

In the Matter of:
*Joseph Mantha vs
Quotewizard.com, LLC*

Justin C. Cohen
September 15, 2020

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		Page 3
1	Volume: I	1 I N D E X
2	Pages: 1 to 139	2 EXAMINATION OF: PAGE
3	Exhibits: 1 to 17	3 JUSTIN C. COHEN
4	UNITED STATES DISTRICT COURT	4
5	FOR THE DISTRICT OF MASSACHUSETTS	5 Direct Examination by Ms. Kingston 5
6	Civil Action No.: 1:19-CV-12235-LTS	6
7	-----x	7
8	JOSEPH MANTHA, on behalf of himself	8
9	and all others similarly situated,	9 E X H I B I T S
10	Plaintiffs,	10 No. Page
11	v.	11
12		12 Exhibit 1 Subpoena for Mr. Cohen 5
13	QUOTEWIZARD.COM, LLC,	13 Exhibit 2 Subpoena for Blueflame 5
14	Defendant.	14 Web Marketing
15	-----x	15 Exhibit 3 SnappyAutoInsurance.com 5
16	VIDEOCONFERENCE DEPOSITION OF JUSTIN C. COHEN	16 Auto Insurance Form
17	Conducted Remotely	17 Exhibit 4 SnappyAutoInsurance.com 5
18	September 15, 2020	18 Terms of Use
19	10:05 a.m. to 1:48 p.m.	19 Exhibit 5 SnappyAutoInsurance.com 5
20	NELSON, MULLINS, RILEY & SCARBOROUGH, LLP	20 Privacy Policy
21	One Post Office Square, 30th Floor	21 Exhibit 6 Subpoena for Mailgun 5
22	Boston, Massachusetts	22 Technologies, Inc.
23		23 Exhibit 7 Subpoena Response from 5
24	Reporter: Karen A. Interbartolo, RPR	24 Mailgun Technologies, Inc.
	Page 2	Page 4
1	APPEARANCES:	1 EXHIBITS, Continued.
2		2 No. Page
3	THE LAW OFFICE OF EDWARD A. BRODERICK	3
4	By Edward A. Broderick, Esquire	4 Exhibit 8 E-Mail dated 6/10/2020 5
5	208 Ridge Street	5 Exhibit 9 Subpoena for GoDaddy.com 5
6	Winchester, Massachusetts 01890	6 Exhibit 10 Shopper Info for Shopper 5
7	(781) 721-1354	7 ID 21183769
8	ted@broderick-law.com	8 Exhibit 11 Multiple E-Mails dated 5
9	Counsel for the Plaintiffs	9 7/2020
10		10 Exhibit 12 E-Mail dated 5/8/2020 5
11	NELSON, MULLINS, RILEY & SCARBOROUGH, LLP	11 Exhibit 13 E-Mail for TCPA Request 5
12	By Christine M. Kingston, Esquire	12 Exhibit 14 Three E-Mails 5
13	One Post Office Square, 30th Floor	13 Exhibit 15 Subpoena Response for 5
14	Boston, Massachusetts 02109	14 Plural Marketing
15	(617) 573-4714	15 Exhibit 16 Subpoena Response for 5
16	christine.kingston@nelsonmullins.com	16 RevPoint
17	Counsel for the Defendant	17 Exhibit 17 Multiple E-Mails dated 5
18		18 9/2/2020
19		19
20		20
21		21
22		22
23		23
24		24

Page 5

1 PROCEEDINGS
23 (Exhibit 1 through Exhibit 17
4 pre-marked for identification.)
56 MS. KINGSTON: So, Ted, before we
7 start, just the usual stips?

8 MR. BRODERICK: Yes.

9 MS. KINGSTON: Okay. So, for the
10 record, all objections, besides as to form, are
11 reserved until the time of trial, as well as motions
12 to strike. The witness will have 30 days to read
13 and sign the transcript. And I'm going to ask for
14 notarization, so, Ted, unless you object --15 MR. BRODERICK: I have no objections.
1617 JASON COHEN
1819 having been satisfactorily identified and duly sworn
20 by the notary public, was examined and testified as
21 follows:

22 DIRECT EXAMINATION

23 BY MS. KINGSTON:
24

Page 6

1 Q. All right. Good morning, Mr. Cohen. My
2 name is Christine Kingston. I represent the
3 defendant in this case the QuoteWizard.com, LLC.
4 Good morning.

5 A. Good morning.

6 Q. I just have a couple of basic ground rules
7 before we start. If at any point you don't
8 understand a question that I've asked, just let me
9 know. I'm happy to rephrase it.

10 A. Okay.

11 Q. Otherwise, I'll assume you understood the
12 question. Okay?

13 A. Yes.

14 Q. Please only give oral and audible answers.
15 Do you understand?

16 A. Okay.

17 Q. And at any time you need a break, just let
18 me know. I'm happy to accommodate you.

19 A. Okay.

20 Q. And finally, since we are virtual, if at
21 any point you're having an issue with your
22 connection, you can't see me, you can't hear me,
23 just let me know.

24 A. Okay.

Page 7

1 Q. Can you please state your full name for the
2 record?

3 A. Justin Cohen.

4 Q. And do you understand that you're under
5 oath here today?

6 A. Yes.

7 Q. And do you understand that that means
8 you're obligated to answer my questions fully and
9 completely?

10 A. Yes.

11 Q. And you're obligated to answer them
12 truthfully?

13 A. Yes.

14 Q. Are you on any medication today that would
15 affect your ability to testify accurately?

16 A. No.

17 Q. Do you have any medical conditions that
18 would affect your ability to testify accurately?

19 A. No.

20 Q. Have you ever been deposed before?

21 A. No.

22 Q. Did you do anything to prepare for this
23 morning's deposition?

24 A. I looked over what you sent. I mean it has

Page 8

1 nothing to do with me, but I could just answer your
2 questions.3 Q. And when you say it has nothing to do with
4 you, what do you mean?5 A. Meaning SnappyAutoInsurance, just all your
6 exhibits and everything, I never owned the site.
7 Never did. My name was on the site, but -- I'm not
8 sure why. And as far as Adam Brown goes, I know he
9 sold this site along with his old company10 Offervision years ago, so I haven't seen the site
11 in, I don't know, at least five years.12 So something from 2018, your screen
13 captioning has nothing -- I'm not even associated
14 with it. I don't even think that he is anymore
15 because he sold off the company that owned the site,
16 so -- a long time ago.17 Q. And when you mentioned Snappy, you're
18 talking about www.snappyautoinsurance.com, correct?19 A. Correct. The exhibit you sent over,
20 correct.21 Q. And you said that you've never owned that
22 website?23 A. I have not. And I seen your privacy. It
24 says -- It goes to adamb1140@gmail. My name is not

Page 9

1 Adam. I never owned the site. I understand my
 2 company was on there. Perhaps we did something with
 3 the site years ago and never took it down, but I
 4 don't own the site and never have.

**5 Q. When you say own, do you mean paying for
 6 the domain name?**

7 A. Yeah, paying for the domain name or
 8 building the site. It had nothing to do with me.

9 Q. So you didn't ever pay for the domain name?

10 A. No.

11 Q. And you didn't build the site?

12 A. No.

13 Q. Did you ever run it?

14 A. No.

**15 Q. Did you ever have any involvement in
 16 running it?**

17 A. Years ago we tested it. I don't even
 18 remember how long ago. So, yes, with Adam, we built
 19 a bunch of sites. You know, we had thousands of
 20 sites combined, and this site was something we
 21 tested. It never worked and took it down. But I
 22 believe he might have given it as a package when he
 23 sold his old company Offervision to another network,
 24 which was prior to these screen shots, from what I

Page 11

1 A. Since we just tested it and it never went
 2 anywhere. I don't recall the exact, but I would say
 3 around 2015.

4 Q. What do you mean by tested it?

5 A. As far as like putting offers on it and
 6 just work with -- I work closely with Adam on
 7 certain things, so I'm just seeing if it would work,
 8 like selling the lease to auto insurance companies
 9 or whatever was on it at the time. It was just a
 10 failed project, so it never went anywhere.

**11 Q. And why do you describe it as a failed
 12 project?**

13 A. It wasn't making money.

**14 Q. Is it fair to say that you were running it
 15 with Adam Brown?**

16 A. No.

**17 Q. So it was just Adam Brown running the
 18 website with some of your help?**

19 A. I helped create the site. We have many
 20 auto insurance sites. As far as this site goes, I
 21 don't recall it. As far as running it, we have
 22 probably 50 different auto insurance sites. This is
 23 one that just never took off. I worked closely with
 24 Adam. I did not create anything, but we talked hand

Page 10

1 understand.

**2 Q. So Adam Brown's company was called
 3 Offervision?**

4 A. Yes, but he sold that -- I don't remember
 5 what year -- a few years ago to another affiliate,
 6 another company that's still in business. I don't
 7 know. You'd have to ask him that.

**8 Q. And is your understanding when he sold
 9 Offervision, he sold the websites that he was
 10 operating?**

11 A. Correct.

12 Q. And that would include Snappy?

13 A. I believe so. I mean you'd have to ask
 14 him, but I'm pretty sure that was one of them. The
 15 site's not even up anymore.

16 Q. What site's not up anymore?

17 A. As far as I know, SnappyAutoInsurance, at
 18 least the last time I looked when you guys first
 19 reached out to me.

20 Q. Do you know when it was last operational?

21 A. I have no clue. I haven't done anything
 22 with the site in years.

**23 Q. When is the last time that you had
 24 involvement in the site?**

Page 12

1 in hand and tried to collaborate on projects all the
 2 time. This is a project that just never went
 3 anywhere.

**4 Q. And I think you said that it wasn't making
 5 money, right?**

6 A. Yes.

**7 Q. So how long were you guys running it that
 8 you determined that it just wasn't making money?**

9 A. I mean we usually give it at least a few
 10 months. It's been so long. I don't know the exact
 11 time.

**12 Q. Okay. In terms of preparing for today's
 13 deposition, you looked over what I sent you; is that
 14 correct?**

15 A. Me?

16 Q. Yes.

17 A. Yes. I have it open on my screen now, yes.

18 Q. Did you look at anything else?

19 A. Just what you sent.

20 Q. You didn't review any other documents?

21 A. I mean when I originally -- I mean a long
 22 time ago I reviewed documents, whatever you guys
 23 sent to me like via signature or something that was
 24 delivered to my house, but -- I look at this stuff,

Page 13

1 honestly, but I just don't have -- I really don't
 2 have any answers for you, so I just browsed over it.
 3 I don't know anything about the site further than
 4 what I said.

**5 Q. So, to your knowledge, before today's
 6 deposition, you've only looked at documents that
 7 were sent from my office; is that correct?**

8 A. I believe. Whatever lawyer's sending them.
 9 Honestly, I don't look at who's sending them. You
 10 know, I just read it. And when I see
 11 SnappyAutoInsurance, I browse over it and I -- I
 12 don't have an answer for you, so I don't know what
 13 to tell you.

**14 Q. Did you speak with anyone in preparing for
 15 today's deposition?**

16 A. No. I did not need to.

17 Q. You didn't speak with Adam Brown?

18 A. I spoke with him about the site before,
 19 yes, but not today.

**20 Q. When is the last time you spoke with him
 21 about the website?**

22 A. Probably when I booked this depo. So
 23 whatever date that was. I talk to Adam daily. We
 24 do other stuff together, but it's just not -- I

Page 14

1 asked him about this and I said, "I'm going to
 2 schedule a deposition," and probably the last time I
 3 saw --

4 We don't really talk about the site because
 5 he doesn't know anything further. He said he
 6 believed he probably had sold it off when he sold
 7 his own company, so I guess when you speak to him,
 8 he'll know more than me about that. I was not
 9 involved in that sale.

**10 Q. So that conversation would have been a
 11 couple of weeks ago?**

12 A. Yes.

**13 Q. Okay. And did he give you any idea about
 14 the last time that he accessed the website?**

15 A. No. He said he was going to look. He said
 16 he doesn't even remember either. So he said he
 17 hasn't looked. His last thing was, I think the site
 18 might have been sold off when he sold his company.
 19 That's the last we spoke about it.

**20 Q. And I know you said you think that was a
 21 couple of years ago that he sold to Offervision?**

22 A. Yeah. He'll know the exact date. I don't
 23 know.

24 Q. In terms of estimating, do you think it was

Page 15

1 in the last three years?

2 A. Longer.

3 Q. So the last five years?

4 A. Yes. I know there's like an article about
 5 it that he said he had to look up through just the
 6 other company announcing the acquisition, so he's
 7 got to --

**8 Q. And have you had any other conversations
 9 with Adam Brown about SnappyAutoInsurance.com?**

10 A. Just what I told you. No, that's it.

**11 Q. So just that conversation a couple of weeks
 12 ago?**

13 A. Yes.

**14 Q. No other prior conversations with Adam
 15 Brown?**

16 A. Maybe when he first started getting e-mails
 17 from you guys just saying what is this about and we
 18 didn't own the site, but that's really it.
 19 Basically what I'm telling you is we don't remember
 20 even the last time the site was used or when we went
 21 to it it was even up anymore, so --

**22 Q. And when was that that you visited and you
 23 didn't see it was up?**

24 A. When you guys first started contacting us,

Page 16

1 so whenever that was.

**2 Q. Do you remember the last time that you went
 3 to the website and it was operational?**

4 A. No. Probably 2015.

5 Q. Did you access the site in 2019?

6 A. I tried to go to it when you guys sent
 7 me -- Oh, no. That was 2020. So, no.

**8 Q. You didn't log on or otherwise access the
 9 website in 2019?**

10 A. Unless you guys sent me something then.
 11 Whatever -- I tried to look as soon as you guys sent
 12 me something, so whatever date that was.

**13 Q. Do you have any knowledge of who currently
 14 owns the website?**

15 A. I do not.

16 Q. Did you ask Mr. Brown if he knew?

17 A. No. I was just more concerned if we did
 18 anything or had anything on the site. And we don't
 19 recall or haven't used the site in years, and he
 20 confirmed that with me as well.

**21 Q. Is there any way for you to verify when you
 22 last used the site?**

23 A. I have no record of the site anymore, no.
 24 If we have sites that don't work out or that we

Page 17

1 don't use anymore, we just delete it or just move
 2 on. We don't -- especially if it's something that I
 3 don't even own.

4 On my sites that I personally own, if it
 5 doesn't work out, I usually leave it up or I just do
 6 whatever with it. I don't know how whoever -- I see
 7 it here Adam owned it last. So I'm not sure how he
 8 stores his files, but I don't have anything related
 9 to the site.

**10 Q. So you spoke with Adam Brown a couple of
 11 times before this deposition. Did you speak with
 12 anyone else about it?**

13 A. Just counsel, just showing them. And
 14 that's really it.

15 Q. Okay. So you have an attorney?

16 A. Multiple attorneys that we work with, but,
 17 you know, I showed them what was going on.

18 Q. And what are your attorneys' names?

19 A. I mean I'd rather that the -- Dana
 20 Josephson, but then I have a few other attorneys,
 21 but -- I basically use them for advice, just, you
 22 know -- I didn't have to put a retainer on this.
 23 They said it was unnecessary.

24 Q. Do you know someone named George Rios?

Page 19

1 my office and with plaintiffs' attorneys, right?

2 A. Correct. Whoever sent me stuff.

**3 Q. Have you ever had any phone calls with
 4 plaintiffs' counsel?**

5 A. No. Not that I know of, at least. I mean
 6 I've had one or two phone calls during this whole
 7 thing, but I don't even know who I spoke with, which
 8 side, whoever called me.

9 Q. So you remember it was attorneys?

10 A. Yeah. I think from Massachusetts the phone
 11 number was, so whoever's office was there.

**12 Q. And do you remember the substance of those
 13 calls?**

14 A. Just at the beginning just asking me
 15 the same stuff you're asking me about now, but I
 16 don't -- That's it.

17 Q. And do you recall what you spoke about?

18 A. I think they were asking me about the site
 19 SnappyAutoInsurance, my involvement or whatever it
 20 may be. I don't remember.

21 Q. And do you recall what you said?

22 A. Probably the same thing I'm saying now,
 23 that I don't know or I'd have to look into it
 24 because, at that time, I said I probably have to

Page 18

1 A. No clue.

2 Q. You never heard that name?

3 A. No.

**4 Q. Have you ever heard of a company called
 5 Plural Marketing?**

6 A. Never. Never worked with them.

7 Q. Have you ever heard of them?

8 A. No, I never even heard of them.

**9 Q. Have you heard of someone named Dario
 10 Osmancevic?**

11 A. No.

12 Q. What about Michael Berger?

13 A. No.

**14 Q. Have you heard of a company called Fenix
 15 Media, F-E-N-I-X?**

16 A. I've heard of Blue Phoenix but not Fenix.

**17 Q. Did you discuss this case with plaintiff
 18 Joe Mantha's attorneys?**

19 A. No. I don't even know who that is besides
 20 in the stuff you sent me.

**21 Q. So you've had a few e-mails with both my
 22 office and with plaintiffs' attorneys, right?**

23 A. Sorry. What did you say?

24 Q. You've had some e-mail exchanges with both

Page 20

1 look into it because I didn't even know what was
 2 going on, but that's really it.

**3 Q. Have you ever provided any documents to any
 4 lawyers in this case?**

5 A. No. Just -- My wife works at a law firm,
 6 and we -- I've just asked for advice but nothing --
 7 it's not needed -- not necessary.

**8 Q. So part of the subpoena included document
 9 requests; are you aware of that?**

10 A. I am. I just have nothing to give you.
 11 Hold on one second.

12 (Pause.)

13 A. Yeah, I mean whatever -- I saw lots of
 14 documents. I don't have anything to give you. I
 15 don't know anything about this site.

**16 Q. So we'll go over those later, but you're
 17 aware there were document requests in the subpoena,
 18 correct?**

19 A. Yes.

**20 Q. And you have not compiled or prepared any
 21 documents in response?**

22 A. I don't have anything to prepare. I don't
 23 have anything about the site.

24 Q. Are you currently employed?

<p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 Q. And who's your employer?</p> <p>3 A. A few. I have -- You know, I have my own 4 company.</p> <p>5 Q. What's your company called?</p> <p>6 A. Blueflame Web Marketing.</p> <p>7 Q. Any other companies that you have?</p> <p>8 A. No. I do consulting. I do consulting for 9 companies but not that I own.</p> <p>10 Q. And you're an officer of Blueflame Web 11 Marketing, LLC, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Are you the sole officer?</p> <p>14 A. Yes.</p> <p>15 Q. Does Blueflame have any employees?</p> <p>16 A. Not right now.</p> <p>17 Q. And what does Blueflame Web Marketing do?</p> <p>18 A. Consulting and, you know, we do on-line 19 marketing, provide leads for clients.</p> <p>20 Q. So fair to say lead generation?</p> <p>21 A. Yeah, lead generation and just overall 22 consulting on how to lower costs per lead for 23 companies.</p> <p>24 Q. Does Blueflame currently own or operate any</p>	<p style="text-align: right;">Page 23</p> <p>1 someone needs leads for plumbing, we make a site for 2 the plumber and direct leads for them. It just 3 depends. It's other companies. There are window 4 tint shops. They're different type of businesses 5 that we build sites for general leads based on the 6 client's needs and the area.</p> <p>7 Q. What about auto insurance; do you have any 8 active websites for that?</p> <p>9 A. No, not for any insurance.</p> <p>10 Q. You're not doing any auto insurance?</p> <p>11 A. Well, it would help -- I'd have to look 12 through my portfolio, but I don't think we have -- I 13 mean we might have auto insurance, but it sounds 14 like we're not running any right now.</p> <p>15 Q. When you say run the website, what do you 16 mean by that?</p> <p>17 A. When we have a client who wants leads, then 18 we can generate leads based on what they need, what 19 state they're in, and what they're doing. You know, 20 sometimes we build a site custom for them. So, like 21 I said, if we have a plumber, we'll build them a 22 site or a locksmith and we'll build them a site and 23 generate leads for them, you know, local or 24 nationally depending on what they need.</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. Do you know how many websites?</p> <p>2 A. I mean, yeah, we have a -- Nothing -- Yeah. 3 I mean we have a bunch of websites that we own and 4 operate but nothing related to this site though.</p> <p>5 Q. Do you know how many websites?</p> <p>6 A. Maybe 10 or 20. They're all active, but 7 it's just what we have, you know, that we use.</p> <p>8 Q. How many right now?</p> <p>9 A. Active, probably like eight sites that 10 are -- we're running right now.</p> <p>11 Q. Do you know the names of the eight active 12 websites?</p> <p>13 A. I'd have to look. I don't know. I mean 14 they're not related to this.</p> <p>15 Q. Do you recall any of the names off the top 16 of your head?</p> <p>17 A. Yeah, but they're not related to any of 18 this.</p> <p>19 Q. I understand, you know, they're not related 20 to Snappy, but I'm just asking you if you recall the 21 names of the websites.</p> <p>22 A. I have my Blueflame Web Marketing which is 23 my main site. And then it just really depends on 24 what kind of consulting or business we have. If</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. So these are websites for business 2 specifically, not a website where a consumer could 3 sign up for a quote, for example?</p> <p>4 A. Yeah. It depends. I mean sometimes if we 5 have a client who wants health insurance and they 6 want X amount of leads, their health insurance agent 7 or company will generate leads for them and we'll 8 sell it to the highest bidder. It depends -- It 9 really depends what we do. We've been doing this 10 since 2008. A lot of stuff changes.</p> <p>11 Q. Have you ever used a lead Nomics?</p> <p>12 A. What did you say, a lead what? Sorry.</p> <p>13 Q. Nomics, N-O-M-I-C-S.</p> <p>14 A. I've heard of them. I don't know if 15 they're still around. I might have worked with them 16 in the past years ago.</p> <p>17 Q. Do you know what they do?</p> <p>18 A. I think they're like EDU or something.</p> <p>19 Q. EDU, what's that?</p> <p>20 A. Education leads. I don't remember. I've 21 heard the name, but I don't know if they're still 22 around.</p> <p>23 Q. What service do they provide relative to 24 lead generation?</p>

Page 25

1 A. They would just buy leads.
 2 Q. **They buy leads?**
 3 A. Mm-hmm.
 4 Q. **Do they buy and sell leads that have**
5 already been generated?
 6 A. I believe so. I'm not -- I don't know
 7 their model exactly, but I think they -- From what I
 8 recall, I think they're -- they have a form and they
 9 buy leads. Like we can promote leads -- promote
 10 their ads, and they buy leads.
 11 Q. **What about All Web Leads; have you heard**
12 about them?
 13 A. All Web Leads, yes. I think they do like
 14 auto insurance, like paperclip stuff, I think.
 15 Q. **What do you mean by that?**
 16 A. They just have pages of all auto insurance
 17 like offers that you can choose from, I believe. I
 18 don't even know if they're still around either. I
 19 haven't heard that name in a while.
 20 Q. **Have you ever worked with All Web Leads?**
 21 A. Years ago. Not in the past few years. I
 22 don't even know like if they're still in business.
 23 Q. **Do you know if All Web Leads was ever**
24 connected to SnappyAuto?

Page 27

1 A. Yes. Or they provide a contract.
 2 Q. **Would you ever sell a lead where there**
3 wasn't a contract in place?
 4 A. No, because everything is -- There's an IO
 5 signed for everything. Usually the company provides
 6 one and usually they'll want their name on the site,
 7 et cetera, you know, do they need to be on the
 8 privacy policy, do they need to be on the opt-in so
 9 they know, you know, for instance, if they're going
 10 to be getting a phone call. It should say that you
 11 might be receiving a call from X. I don't know the
 12 term. Usually they have legal write a letter. But
 13 their site usually writes it up what needs to be
 14 placed on the site.
 15 Q. **So I think you're talking about where**
16 you're running a website specifically for a company,
17 right?
 18 A. Yeah. Even on our own site, they say you
 19 need to have in the terms of use or you need to have
 20 in the privacy policy or the opt-in certain
 21 language, and they provide the language that you're
 22 going to be receiving a call from XYZ Company and by
 23 submitting this lead you agree to, you know --
 24 basically just an opt-in so they're agreeing to the

Page 26

1 A. I have no clue. It's possible. They were
 2 very big in the space. They were on every site.
 3 Q. **Okay. I guess I'm a little confused about**
4 All Web Leads. So you said they provide auto
5 insurance offers?
 6 A. I think so. From what I remember, if I'm
 7 thinking of the right company, yeah. And I think
 8 they have just like their own platform where they
 9 just display companies looking for auto insurance.
 10 I think they work directly with like a GEICO or
 11 State Farm, and they promote -- they have their ads
 12 on the site, from what I recall. I think that's All
 13 Web Leads. I'm not sure how their platform looks.
 14 Q. **So you said you think you've worked with**
15 them in the past?
 16 A. Yeah.
 17 Q. **And what service would they have provided**
18 to you?
 19 A. Same thing. Probably buying leads. Like
 20 if we generated an insurance lead, they would
 21 probably just buy the leads from us.
 22 Q. **When you sell leads, do you have contracts**
23 with the people or companies you're selling leads
24 to?

Page 28

1 terms of the site and who might be calling them just
 2 for legal purposes.
 3 Q. **Have you ever run a website where the leads**
4 were sold to multiple companies?
 5 A. No. I mean as far as after we sell it to a
 6 company, what they do with it we can't control, but
 7 we don't sell it, no. Most companies only want to
 8 buy one lead.
 9 Q. **I think my question was a little confusing.**
 10 I don't mean selling one lead to multiple companies.
 11 I mean that a website might generate many leads, and
 12 those leads are sold to various companies.
 13 A. Yeah. A lot of sites do that.
 14 Q. **Have you ever run a website like that?**
 15 A. Sure. I've run a ton of websites like
 16 that, I mean for other people, for myself. I don't
 17 know if I've been -- that's been -- doing that since
 18 2005, you know, since I started in this industry for
 19 companies I've worked for. That's how everyone does
 20 it.
 21 Q. **And that's how Snappy worked, right?**
 22 A. I would assume so. I mean most lead
 23 aggregator sites sell it to the highest bidder.
 24 Q. **And you used the term "lead aggregator."**

Page 29

1 Can you just kind of give me a kind of definition of
 2 that?

3 A. Basically multiple companies are looking
 4 for the same auto insurance form or whatever the
 5 vertical is. And after it's filled out, in real
 6 time, whoever bids the highest price for that lead
 7 buys the lead. So if it sells for \$5, \$10, \$50. It
 8 depends. Whoever outbids. They just bid on it and
 9 buy it. Same way a car dealer would get a lead, you
 10 know, real time leads.

11 Q. And for lead aggregator websites, were
 12 there contracts with the highest bidders?

13 A. Contracts with everyone.

14 Q. So how does that work? Is this -- I mean
 15 in order to bid, does a company need to have a
 16 contract?

17 A. Well, anyone working with a company, you'd
 18 sign a contract first because you'd want to get paid
 19 and you'd want to make sure that they're abiding and
 20 they're in your terms of service or whatever they
 21 need to be in for the site.

22 Q. So, for example, just for SnappyAuto, if
 23 there was a lead generated from that website, anyone
 24 who was going to bid would have to have a contract

Page 31

1 works. One company -- Unless you're the main
 2 company, a lot of people are just basically middle
 3 men and help who have the skills to be able to get
 4 to the website shown and generate leads, and then
 5 from there the lead aggregators do what they need to
 6 do.

7 Q. So, in that scenario, would there be a
 8 contract in place between the lead aggregator
 9 website and All Web Leads?

10 MR. BRODERICK: Objection.

11 A. I don't know. I mean I assume so.

12 Q. Well, have you ever run a website where you
 13 worked with All Web Leads in that manner?

14 A. I don't even -- I'd have to go to their
 15 website. I think they're just like a paper hook
 16 platform. I'm just using them as an example. I
 17 just deal with the driving traffic to the site.
 18 That's what I do. I don't know what much -- what
 19 goes on after that.

20 Q. Was that your role relative to
 21 SnappyAuto.com?

22 MR. BRODERICK: Objection.

23 A. Probably. That's my role with everything.
 24 I just drive traffic to websites. I'm good at paid

Page 30

1 in place; is that accurate?

2 MR. BRODERICK: Objection.

3 A. I don't know. It's not my site. I can't
 4 answer for that.

5 Q. Speaking just more generally for lead
 6 aggregator websites, is that accurate to say?

7 A. Most likely, unless you work with a company
 8 like All Web Leads like you mentioned or one of
 9 those who have -- these companies that say you just
 10 sign one contract with them and then they're sending
 11 it to 50 different people, but you can't control
 12 that. That's how it happens. A big company like
 13 that will buy it and they'll send it out to multiple
 14 people.

15 Q. So, in that scenario, All Web Leads would
 16 be kind of an intermediary between the website and
 17 bidders?

18 A. Yeah. I'm just using them as an example,
 19 but that's usually how it works. That's why these
 20 companies will just be the in-between. They'll buy
 21 for \$10 and then they'll go and sell to the highest
 22 bidder. You don't deal with that part.

23 Q. So All Web Leads would actually --

24 A. I'm just saying like that's usually how it

Page 32

1 search and SEO and I get traffic to sites. That's
 2 mainly what I do, consulting.

3 Q. Can you break that down for me a little
 4 bit? You said paid search?

5 A. You know, like advertising, Google,
 6 Facebook, et cetera.

7 Q. So making sure that the website is kind of
 8 prominently featured?

9 A. Yes.

10 Q. And I think you mentioned SSO?

11 A. What's that?

12 Q. I thought you mentioned either SEO or SSO.

13 A. Oh, SEO, yes. Search engine optimization.
 14 I don't think Snappy ever ran like paid search. It
 15 would have been in a Google account or something.
 16 I've never seen it. I don't think it's relative to
 17 this.

18 Q. You don't think Snappy ran a paid search?

19 A. No. It might have done some -- got traffic
 20 somewhere else, but I don't -- I never ran this in
 21 Google, so --

22 Q. And how do you know that you didn't?

23 A. Just looking through these active Google ad
 24 accounts, I don't see the site anywhere as a pause

Page 33

1 site or deleted site when I look.
 2 Q. So if you had done paid searches for
 3 Snappy, you would see that in your Google search
 4 account?

5 A. That I would see, yeah, because it would be
 6 deleted or just paused, but it doesn't even exist in
 7 there.

8 Q. What about SEO services; is there a way
 9 to -- for you to find out if you did that for
 10 Snappy?

11 A. No. These type of sites, they don't do SEO
 12 on these kind of sites. If you have like a window
 13 tint shop and you wanted to get presence in the
 14 local area of the shop, if someone looks out their
 15 window tint, we do like that type of SEO for local
 16 businesses, not lead generation sites. Too
 17 competitive. People dump millions of dollars into
 18 that. We can't do that. Like the Quote Wizard.

19 Q. What does a site like Snappy do to drive
 20 traffic to the website?

21 A. Probably e-mail marketing, if I had to
 22 guess.

23 MR. BRODERICK: Objection.

24 Q. E-mail marketing?

Page 35

1 Q. Can you give me an idea of what that
 2 entails?

3 A. People send out e-mails to people who opted
 4 into a list that wanted to receive information
 5 about, in this example, auto insurance, but, like I
 6 said, I don't know what this site did.

7 Q. I just want to make sure I'm understanding
 8 you correctly. So e-mail marketing is where
 9 someone's -- a consumer has already opted in to
 10 receive information?

11 MR. BRODERICK: Objection.

12 A. Correct.

13 Q. And so that the e-mail would say, okay, if
 14 you want information, you can go to use -- you're
 15 just using Snappy, go to SnappyAuto.com?

16 MR. BRODERICK: Objection.

17 A. I don't -- It's e-mail marketing. It's
 18 basically someone's e-mailing an ad, and that's --
 19 Whatever -- If it was Snappy, they would e-mail it
 20 to a SnappyAutoInsurance affiliate. I don't know.
 21 This site, I have no clue what went on with it.

22 Q. I'm just trying to understand more
 23 generally, but if someone is receiving that e-mail,
 24 are you saying that they've already signed up to

Page 34

1 A. Yeah.

2 Q. And what would that entail?

3 MR. BRODERICK: Objection.

4 A. More affiliate traffic. Most likely it was
 5 either an e-mail or an affiliate site. Where other
 6 people promote traffic to it, you just have to abide
 7 by the site terms and conditions. A lot of sites
 8 I've done with Adam in the past, affiliate traffic,
 9 we pay affiliates to drive the traffic for the site.
 10 For this site, I'm not sure.

11 Q. With affiliate traffic, is that typically a
 12 website also working in the same context --

13 A. It's not a website. It would just be
 14 people who work as affiliates to promote Snappy,
 15 yes. They could be selling traffic directly to it.
 16 They could just have a banner on their site saying,
 17 you know, SnappyAuto and they click on the banner.
 18 It could come from multiple ways. Like I said, I
 19 don't know with this site.

20 Q. And you mentioned e-mail marketing too,
 21 correct?

22 MR. BRODERICK: Objection.

23 A. That's something that people do, yes, but I
 24 don't know, once again, what this site does or did.

Page 36

1 receive information at that point?

2 MR. BRODERICK: Objection.

3 A. That's how e-mail marketing works, I mean,
 4 but --

5 Q. At some point, you're going to have to kind
 6 of educate us a little bit because this isn't what
 7 we do. So we're kind of relying on you to --

8 A. If you go on Macys.com and submit to
 9 receive their e-mails or their partners' e-mails,
 10 then you're going to start receiving e-mails from
 11 Macy's and their affiliated partners. If you go on
 12 a certain website and you agree to receive e-mails
 13 from them and they're affiliated partners, one of
 14 our websites or any website is an affiliated
 15 partner, then they have permission to e-mail about
 16 insurance or whatever it may be. That's basically
 17 what e-mail marketing is.

18 Q. Do you know if Snappy had any affiliated
 19 partners or websites?

20 A. I know nothing about Snappy besides that
 21 was a project years ago. You can ask me all day
 22 long about these questions. I don't have an answer.

23 Q. So you said that typically what you do is
 24 drive traffic to a website, correct?

Page 37

1 A. Correct.

2 Q. Is that the service you would have provided
3 for Snappy?

4 A. No.

5 MR. BRODERICK: Objection.

6 Q. I'm sorry. I didn't hear your answer.

7 A. No. That's my main thing is what I do, but
8 I also try to build websites and we do other stuff.
9 This was just a project we were trying to push to
10 affiliates or something and it just didn't work.

11 Q. So what exactly --

12 A. Affiliate sites I don't do SEO for. This
13 is just more a lead generated site, is what this
14 looks like. I don't know how it was used or what
15 it's used for.

16 Q. So what did you provide for Snappy?

17 A. We probably provided advice on how to build
18 a site and what we should do to promote it and
19 probably try to promote it in some way or form and
20 it just never worked out or there was not enough
21 fires on the back end so it was just a failed
22 project.23 Basically we just built the site, tried to
24 get the partners like on the back end of the site,

Page 39

1 policy or wherever you guys found it, but you know
2 what, it's the same way with Quote Wizard or anyone
3 else. People who put companies' names on there
4 because they're affiliated with them doesn't mean
5 they're involved in the site. Or maybe at some
6 point maybe they were involved in the site but they
7 never deleted it. I can't control what's on a site
8 especially when I don't own it.9 Q. For the purposes of the court reporter,
10 it's just important that you let me finish my
11 question and I'll do my best to let you finish your
12 answer so we're not talking over each other. Okay?13 So what I understand from your testimony is
14 you don't have any memories of this website
15 specifically; is that accurate?

16 A. Yes.

17 Q. And when you say that you think it failed,
18 you're saying that because you no longer use it and
19 that's your assumption; is that accurate?20 A. Yes. Or have any record of the site or
21 ownership of the site.22 Q. All right. If leads were ever sold from
23 SnappyAuto, who would have those records?

24 A. Probably whoever they sold them to. I

Page 38

1 and I don't think it really was profitable or we
2 weren't able to get enough people and just gave up
3 on the project, is what I'm guessing. I don't know.
4 It's years ago.5 Q. But you have a pretty clear memory that, in
6 your words, this site, I think you said, failed?7 A. I don't have a clear memory of it, but I
8 have -- I mean if my name is on the site and I don't
9 recall it, I'm sure it was probably a failed
10 project. And Adam doesn't recall it. Obviously if
11 it was a site making money and doing well, it would
12 still be around. The site's not even in my name, so
13 I don't have record of anything.14 Q. I'm just trying to understand your
15 testimony. So you don't remember --16 A. All I'm saying is the site name sounds
17 familiar, but we have other sites named Snappy or
18 there's millions of other sites named Snappy
19 something, but I don't recall the site. It was
20 never registered to me in my register and I don't
21 have anything on my servers or data or anything for
22 that site. I don't have -- There's nothing I can
23 really provide.

24 I guess my name is somehow in a privacy

Page 40

1 don't know. I don't know how they ran their back
2 end of the site. I don't have access to it or --
3 This is something from years ago. I don't know.4 Q. And I think you mentioned that you've built
5 a couple of lead aggregation sites?6 A. I mean I've built many through the past 12
7 or 14 years. You know, some of them are probably
8 still up that I don't even remember. Some of them
9 are down. I don't -- Yes, of course, but I don't --
10 Since I've -- I think the first one I built was in
11 2005. I've been building them. Some of them just
12 expire, some go down, some are successful, some of
13 them aren't. Nature of the game.14 Q. I'm speaking generally here. Can you give
15 me an idea when you build a site what happens on
16 what you refer to as the back end?17 A. Yeah. Usually if we have clients, like,
18 for example, a locksmith that we have two or three
19 locksmiths who want leads, we'll build a website
20 about locksmiths and either we'll generate leads for
21 them, or if the locksmiths are paying anywhere from
22 \$12 to \$15 a lead, we'll go out there and look for
23 affiliates and say, we'll give you \$9 a lead. We'll
24 make a few dollars on the back end and let someone

<p style="text-align: center;">Page 41</p> <p>1 else generate it for us. I mean that's kind of how 2 the model works.</p> <p>3 Q. And, speaking generally, what happens on 4 the back end when a lead is sold?</p> <p>5 A. In this case, a locksmith would get the 6 lead and we have nothing to do with it anymore. 7 They own it. They just bought it for whatever the 8 price, \$10 or whatever we agreed upon, and we pass 9 it along.</p> <p>10 Q. And would you have electronic records of 11 the lead being sold?</p> <p>12 A. For a certain amount of time. It depends 13 what system we were using at the time. A while 14 back, we used to use affiliate platforms like -- I 15 forget what they -- I'd have to think of the name 16 but where they trap all that stuff. Now we use 17 Google Cloud for stuff now. We've switched 18 throughout the years many times. So maybe on a new 19 site possibly, but old sites, no. After years, 20 especially if it's not being used, there's no more 21 record of it unless there needs to be.</p> <p>22 Q. When did you start using Google Cloud?</p> <p>23 A. Google Cloud, we transitioned it would be 24 like in December, I believe.</p>	<p style="text-align: center;">Page 43</p> <p>1 maintain?</p> <p>2 A. Correct.</p> <p>3 Q. And so that that platform would kind of 4 store and maintain the records; is that accurate?</p> <p>5 A. I don't know how exactly it works. I know 6 it does all the -- As far as aggregating, like 7 sending it to people buying the leads, et cetera, I 8 don't know how -- I had a programmer, you know, an 9 engineer we usually paid to do all the back end 10 work, and then Adam knows more about that side. I 11 do the search, but usually we just hire someone to 12 integrate the APIs. I don't know how that works.</p> <p>13 Q. Did you work with a particular engineer or 14 were there multiple?</p> <p>15 A. Whoever we could find at the time who would 16 give us a decent price.</p> <p>17 Q. Do you know who you were working with in 18 2013?</p> <p>19 A. No. That was a long time ago.</p> <p>20 Q. And you mentioned APIs. Can you give me an 21 idea of what that is?</p> <p>22 A. It's basically documents on how to set up 23 posting instructions. The client usually provides 24 that.</p>
<p style="text-align: center;">Page 42</p> <p>1 Q. December of 2019?</p> <p>2 A. Yes.</p> <p>3 Q. You mentioned affiliate platforms. Is that 4 actually the name of it or you're talking about a 5 couple of --</p> <p>6 A. I'm speaking generally. There's lots of 7 companies out there who provide a service like we 8 used to use. Like you can pay monthly anywhere from 9 \$500 to \$1,000 where they do all the reporting and 10 send the leads to the buyers, et cetera. Once you 11 cancel, you lose all that data.</p> <p>12 Q. Do you recall the ones that you've used?</p> <p>13 A. I don't know. Adam would know better. I 14 forgot. I don't deal with that stuff much. I know 15 about it, but it's not my specialty.</p> <p>16 Q. Can you recall any of the names of the ones 17 you used?</p> <p>18 A. HitPath. I'm just looking it up. That's 19 one.</p> <p>20 Q. HitPath?</p> <p>21 A. Yeah.</p> <p>22 Q. Do you recall any others?</p> <p>23 A. No.</p> <p>24 Q. That would require a monthly fee to</p>	<p style="text-align: center;">Page 44</p> <p>1 Q. And by posting, do you mean after a lead is 2 generated?</p> <p>3 A. You send in the lead, exactly.</p> <p>4 Q. Have you worked with particular types of 5 APIs or are there multiple?</p> <p>6 A. Every company just sends over what they 7 need, and then we just farm it out to someone who 8 knows what they're doing to set it up. I don't know 9 how to do that or read it. It's kind of more for an 10 engineer. It's code.</p> <p>11 Q. When you say every company, do you mean the 12 website's clients?</p> <p>13 A. Yeah. Who you're working with, they always 14 provide some type of API or something to send it to 15 them.</p> <p>16 Q. And for lead aggregation websites, just 17 speaking generally, would you build that if you 18 didn't have a client already in place?</p> <p>19 A. Possibly. We've done that just to see if 20 we could get clients, but usually clients are in 21 place. But sometimes we'll build sites just to see 22 if we could find a market for it just before a trade 23 show or something to show it off and see if we can 24 get people to go out in the back end. There's</p>

<p style="text-align: right;">Page 45</p> <p>1 always a way.</p> <p>2 Q. And do you recall if SnappyAuto had any 3 clients in place at the time it was built?</p> <p>4 A. I don't know anything.</p> <p>5 Q. Would Adam Brown know that?</p> <p>6 A. I don't know. You'd have to ask him.</p> <p>7 Q. Who else besides Adam Brown had involvement 8 in SnappyAuto.com?</p> <p>9 A. Based on what you said, I don't know. The 10 only thing I see is his name in the stuff you're 11 sending, so I have no clue. You'd have to ask him.</p> <p>12 Q. Getting back to Blueflame Web Marketing, 13 when did you form Blueflame?</p> <p>14 A. I think in 2008.</p> <p>15 Q. Do you own any other companies?</p> <p>16 A. Not that are active, I don't think, no.</p> <p>17 Q. What about inactive?</p> <p>18 A. There might be some inactive ones that I've 19 created throughout the years, but Blueflame is my 20 main company.</p> <p>21 Q. Do you know the names of the companies you 22 formed?</p> <p>23 A. No, because they're not even -- I mean they 24 never really brought any revenue in, so they're not</p>	<p style="text-align: right;">Page 47</p> <p>1 A. No. It was someone else.</p> <p>2 Q. Was Adam Brown associated with it?</p> <p>3 A. You'd have to ask him. I know he is more 4 on the affiliate side, so he would know. I believe 5 he was.</p> <p>6 Q. When you say more on the affiliate side, 7 what do you mean?</p> <p>8 A. Like dealing with the companies like that. 9 Like he -- I believe there was a company that did a 10 spinoff on the site, but they're no longer in 11 business.</p> <p>12 Q. You said a spinoff of a site?</p> <p>13 A. Like an affiliate member, but I just think 14 the company who built Blueflame Elite is no longer 15 in business.</p> <p>16 Q. Did Blueflame Elite have anything to do 17 with SnappyAutoInsurance?</p> <p>18 A. Not that I know of. That was a long time.</p> <p>19 Q. I'm sorry?</p> <p>20 A. I haven't heard that name in years, so I 21 don't know.</p> <p>22 Q. Can you give me a better sense of what 23 Blueflame Elite did? I know you said it was an 24 affiliate network, but what does that mean?</p>
<p style="text-align: right;">Page 46</p> <p>1 really relevant. The only one that matters is 2 Blueflame.</p> <p>3 Q. Do you know if you registered the other 4 companies?</p> <p>5 A. I mean you can look on my name and see 6 what's out there, but I don't remember. This is the 7 only active one that I know of.</p> <p>8 Q. Besides Blueflame, are you affiliated with 9 any other companies?</p> <p>10 A. No.</p> <p>11 Q. Have you heard of Blueflame Elite?</p> <p>12 A. Blueflame Elite? I was an affiliate and I 13 worked -- That was using one of those services years 14 ago, but I think that was -- that was part of 15 something that was sold off. Adam would know more 16 about it, but, yeah, it was a spinoff.</p> <p>17 Q. So Blueflame only was a spinoff of 18 Blueflame Web Marketing?</p> <p>19 A. No. It was like a similar name, but it was 20 more of an affiliate -- it was an affiliate network. 21 But another company started that. Adam would know 22 more about it. It had the Blueflame name, but it 23 wasn't my company.</p> <p>24 Q. Is it Adam Brown's company?</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Basically just shows, you know, all these 2 other companies that show offers that are paying 3 \$10, \$12 a lead, if I put the leads in there at \$9 a 4 lead and just try to find people to promote that and 5 just make a couple of dollars off of it and send it 6 to the people who are buying it for \$10 or \$11, 7 basically a middle man affiliate network.</p> <p>8 Q. So not a lead generator but kind of the 9 next step in the chain; is that accurate?</p> <p>10 A. Correct, yes. They kind of just added a 11 few dollars to the cost of the lead and sold it to 12 their clients. So they technically can do anything 13 besides just transfer a lead.</p> <p>14 Q. All right. And do affiliates -- I think 15 you said this before, but affiliates typically have 16 contracts with a lead generator?</p> <p>17 A. I would assume so. We try to get a 18 contract.</p> <p>19 Q. Besides Blueflame, have you been affiliated 20 with any companies prior?</p> <p>21 A. Do I own them?</p> <p>22 Q. Let's start there. Have you owned any 23 other companies?</p> <p>24 A. Like I said, a few that they're probably</p>

<p style="text-align: right;">Page 49</p> <p>1 not -- Nothing significant. Affiliates, I've worked 2 for a bunch of companies throughout my years.</p> <p>3 Q. What about lead generation websites?</p> <p>4 A. Yeah. I've worked for companies that all 5 they do is lead generation. Not my own company.</p> <p>6 Q. And you did that in your role as a 7 consultant?</p> <p>8 A. Or as an employee throughout the years 9 before I started my own stuff.</p> <p>10 Q. When is the last time you worked for 11 another company?</p> <p>12 A. Probably like March or April.</p> <p>13 Q. Of this year?</p> <p>14 A. Yeah. I was doing stuff in health 15 insurance for a year or so, generating leads, but 16 not for my company. I was getting paid to do it for 17 someone else.</p> <p>18 Q. And what company --</p> <p>19 A. As an employee, not a -- Infinite Media.</p> <p>20 Q. And how long had you worked for them?</p> <p>21 A. I worked with them for about a year.</p> <p>22 Q. Before that, had you worked for any other 23 company like that?</p> <p>24 A. Yeah. I mean -- Well, I worked for Advance</p>	<p style="text-align: right;">Page 51</p> <p>1 they sold the leads to, how many people they sold it 2 to, what person they sold it to. That's a whole 3 other department. I just get the traffic through 4 the website. I don't deal with the back end stuff. 5 I have an idea of how it works from being in the 6 industry for a while, but I don't know the 7 specifics. But that's not my -- I haven't done -- 8 That's not my specialty.</p> <p>9 Q. You mentioned that you think you might have 10 owned other companies but you don't recall the 11 names; is that accurate?</p> <p>12 A. I think like Search Sense Consulting was 13 one of them. There might be one more, but it's 14 stuff that I just built and then I just decided to 15 stick with Blueflame. Like I was just trying to 16 make the consulting a different company. I don't 17 know. It was a very long time ago, but they're not 18 even active, so I don't think it's relevant.</p> <p>19 Q. Besides those two, have you ever been an 20 officer of any other company?</p> <p>21 A. Not that -- No, I don't think so.</p> <p>22 Q. Has Blueflame ever had any employees?</p> <p>23 A. Throughout the years, I believe maybe one. 24 Like we've had people help out, yeah, on 1099. Not</p>
<p style="text-align: right;">Page 50</p> <p>1 America, but that's more of a -- they have 500 2 locations, so that's a little bit different. But, 3 yeah, I was running leads for them, but that was 4 back probably in 2014, '15.</p> <p>5 Q. And what do you mean by running leads?</p> <p>6 A. I just ran a lot of traffic for their -- 7 for their affiliate folks.</p> <p>8 Q. And besides those two companies, any 9 others?</p> <p>10 A. LeadFlash. That's where I started off.</p> <p>11 Q. When was that?</p> <p>12 A. 2005, 2008 probably.</p> <p>13 Q. And was that similar that you were running 14 leads, in your words?</p> <p>15 A. Yeah, lead generation.</p> <p>16 Q. So lead generation, that's different from 17 generating traffic; is that accurate?</p> <p>18 A. Traffic basically. We'd pay for ads on 19 Google, generate a payday loan lead, and we'd sell 20 it to one of 30 buyers in the back end.</p> <p>21 Q. But I understand from your testimony you're 22 more involved in the generating traffic side of 23 things, correct?</p> <p>24 A. I generate traffic for them as far as who</p>	<p style="text-align: right;">Page 52</p> <p>1 like physical like W-2 employees. Just 1099. Like 2 more like consultants I brought on to help with 3 stuff.</p> <p>4 Q. How many would you estimate since 2008?</p> <p>5 A. Like two.</p> <p>6 Q. What are their names?</p> <p>7 A. I'd have to look back. I mean it's been 8 probably five, six, seven years since I've had 9 someone, so --</p> <p>10 Q. You don't recall their names?</p> <p>11 A. Not off -- Honestly, no. I've done so many 12 things since then. I'd have to look. It was just 13 more people helping out.</p> <p>14 Q. Do you recall what they helped with?</p> <p>15 A. Just whatever I needed at the time. I'd 16 have to look back.</p> <p>17 Q. But can you give me a sense of what that 18 would be generally?</p> <p>19 A. Just help with paid search or e-mail 20 marketing or just whatever I was doing at the time, 21 just -- or sales it could have been. Probably 22 sales, if I had to guess. That's usually what I 23 needed most at the beginning is someone to get me 24 more clients, like go find another locksmith or</p>

<p style="text-align: right;">Page 53</p> <p>1 plumber or companies for me to generate traffic for.</p> <p>2 Q. And can you just give me a brief idea of 3 how that works, how you find clients like that?</p> <p>4 A. Well, I mean, 90 percent of our clients are</p> <p>5 all from referral, just word of mouth, but at the</p> <p>6 time starting out, just basically going into</p> <p>7 businesses and explaining how we could help them out</p> <p>8 and getting people to sign up just on a monthly</p> <p>9 retainer and generate traffic for them.</p> <p>10 Q. And at any time since Blueflame was formed, 11 has it had any additional officers besides you?</p> <p>12 A. My ex-wife at one point. I think my</p> <p>13 ex-wife might have been on there at the beginning.</p> <p>14 Q. And what's her name?</p> <p>15 A. Ann.</p> <p>16 Q. What's her last name?</p> <p>17 A. Cohen. But she's not -- I mean she never</p> <p>18 really did anything. She was just on the company.</p> <p>19 Q. Has Adam Brown ever worked for Blueflame?</p> <p>20 A. Probably as a consultant at some point. I</p> <p>21 mean we paid him before for projects, but, like I</p> <p>22 said, that was probably years ago, you know, before</p> <p>23 he started his own companies.</p> <p>24 Q. When did he start his own companies?</p>	<p style="text-align: right;">Page 55</p> <p>1 business.</p> <p>2 Q. And how long have you been doing that 3 approximately?</p> <p>4 A. Since 2005.</p> <p>5 Q. And who were you working with then?</p> <p>6 A. I was working for LeadFlash.</p> <p>7 Q. And did you leave LeadFlash to form 8 Blueflame?</p> <p>9 A. Correct.</p> <p>10 Q. Have you ever worked with Seal Dog Media, 11 LLC?</p> <p>12 A. Yeah.</p> <p>13 Q. And that's Adam Brown's company, correct?</p> <p>14 A. Correct.</p> <p>15 Q. What does that company do?</p> <p>16 A. Affiliate. And I think they did a lot of</p> <p>17 data management.</p> <p>18 Q. Can you give me a better idea what that 19 means?</p> <p>20 A. They have websites too and they provide</p> <p>21 traffic or we -- they give data from some of their</p> <p>22 sites to other partners. We'll give them data.</p> <p>23 Sometimes they'll buy data. It depends. I mean</p> <p>24 there's lots of companies like that.</p>
<p style="text-align: right;">Page 54</p> <p>1 A. You'd have to ask him that. I'd say at</p> <p>2 least five to eight years ago.</p> <p>3 Q. And what did you pay Adam Brown to do as a 4 consultant?</p> <p>5 A. Help with sales, I believe, at the time</p> <p>6 or -- Yeah, trying to help find affiliates to drive</p> <p>7 traffic to any sites that I owned at the time.</p> <p>8 Q. And so at some point he decided to split 9 off on his own?</p> <p>10 A. Yeah, exactly.</p> <p>11 Q. And you think that was somewhere between 12 2012 and 2015?</p> <p>13 A. Probably before that even. Probably around</p> <p>14 that. Maybe '12, somewhere around -- Honestly, he</p> <p>15 would know. I don't keep track.</p> <p>16 Q. How long have you known him?</p> <p>17 A. I've known him since like 2001 or 2000.</p> <p>18 Q. Is it through the lead generation business 19 or otherwise?</p> <p>20 A. No. I know him from New York. We both</p> <p>21 grew up there.</p> <p>22 Q. Is it fair to say that you work in the lead 23 generation business?</p> <p>24 A. Sure. I mean, yeah. That's part of the</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Do they run the lead aggregation websites?</p> <p>2 A. I don't know how they get their traffic. I</p> <p>3 don't think he does it through search. I don't know</p> <p>4 how he gets them. You'd have to ask him.</p> <p>5 Q. And when have you worked with Seal Dog?</p> <p>6 A. I work with them all the time.</p> <p>7 Q. So you work with them currently?</p> <p>8 A. Yeah.</p> <p>9 Q. What's the first -- What do you do for them 10 or with them?</p> <p>11 A. We basically just -- Sometimes I'll buy</p> <p>12 data from them or I'll sell them data from some of</p> <p>13 our partners.</p> <p>14 Q. Does Seal Dog run any websites?</p> <p>15 A. I don't know if they run them direct or if</p> <p>16 they're like -- they're the -- I guess they speak</p> <p>17 for the website. I can't think of the word I'm</p> <p>18 trying to use. Usually they are assigned to a site.</p> <p>19 I don't know. You'd have to ask Adam.</p> <p>20 Q. Are you aware of any websites they're 21 affiliated with one way or another?</p> <p>22 A. I mean they have a lot of websites they're</p> <p>23 affiliated with. You'd have to ask him.</p> <p>24 Q. Have you heard of a website called</p>

<p style="text-align: right;">Page 57</p> <p>1 SnappySurveys.net? 2 A. Sounds familiar. 3 Q. Do you know anything about that website? 4 A. I'll look at it now. Yeah, I've heard of 5 the site. 6 Q. Do you know who runs it? 7 A. It looks like it says contacts at 8 Offervision which was Adam's old company, so it 9 could be one of the sites he sold off. 10 Q. So Offervision, is that one word or two? 11 A. I believe it's one word. 12 Q. And was Adam the sole owner of that? 13 A. I don't know. I think so. I'm not sure. 14 Q. Did you ever work with or for Offervision? 15 A. I worked with them as a partner but not for 16 them. I mean I didn't have any ownership in it, so 17 I don't know. He sold that company on his own, 18 so -- 19 Q. Do you remember any specific work that you 20 did with them as a partner? 21 A. Affiliate really. Same stuff. Data 22 management, I'm sure. 23 Q. But I think you also mentioned that 24 Offervision ran some lead aggregation websites; is</p>	<p style="text-align: right;">Page 59</p> <p>1 A. No. It wasn't my sale. 2 Q. So you didn't make any money from that? 3 A. No. I would have liked to, but I didn't. 4 Q. Where do you currently reside? 5 A. Boca Raton, Florida. 6 Q. And what's your address? 7 A. 19748 Dinner Key Drive. 8 Q. Do you own that? 9 A. Yes. 10 Q. And who lives with you currently? 11 A. My wife, my kids. 12 Q. And what's your wife's name? 13 A. Dana. 14 Q. Same last name? 15 A. No. De la Madrid. 16 Q. How long have you lived there? 17 A. Four years. 18 Q. 2016? 19 A. Yeah, somewhere around there. 20 Q. Where did you live prior to that? 21 A. In Boca also. I forgot the address. I was 22 renting after I sold my last house for like a year. 23 Q. And what's the last house that you owned 24 prior to your current one?</p>
<p style="text-align: right;">Page 58</p> <p>1 that right? 2 A. I think so back in the day. 3 Q. And you think Snappy was one of those 4 websites? 5 A. Oh, I don't know. I don't know. 6 SnappySurveys, yeah, I think so because it just says 7 one thing about us. It says Offervision, so I don't 8 know. The auto one, I don't know. 9 Q. Do you know who formed Offervision? 10 A. No clue. 11 Q. Would he have been running a website that 12 wasn't owned by Offervision? 13 A. That's him. 14 Q. I think you testified earlier that you 15 believe Snappy was sold when Offervision was sold; 16 is that an accurate description of your testimony? 17 A. Yeah, I believe so, because the other 18 Snappys like that one are Offervision sites, so I'm 19 assuming that's what was sold off. Last time I 20 talked to Adam, he said he thinks it was sold off 21 and he was going to look. I don't know. You'd have 22 to ask him. 23 Q. Do you know anything else about the sale of 24 Offervision?</p>	<p style="text-align: right;">Page 60</p> <p>1 A. 21766 Little Bear Court, Boca 33428. 2 Q. And did you live there when you owned it? 3 A. Partly, yeah. I rented it out for a while 4 also. 5 Q. When did you buy that house? 6 A. I don't know. 2007 maybe. I don't 7 remember. Or maybe 2006. I don't know. 8 Q. Were you the sole owner? 9 A. Me and my ex-wife. 10 Q. That would have been Ann Cohen? 11 A. Yes. 12 Q. And when did you sell it? 13 A. 2015 or '16. 14 Q. And which of the years were you living 15 there? 16 A. I lived there like two years, I guess, 17 prior to selling it, so -- 18 Q. Approximately 2014 to 2016 you were living 19 at the address? 20 A. Yeah. Maybe a little longer. Like maybe I 21 lived there a year or two before that. I'd have to 22 look. I lived there, and then I moved to South 23 Carolina for a little bit, and then I moved back. 24 Q. When you were living there, did anyone else</p>

<p style="text-align: right;">Page 61</p> <p>1 live with you?</p> <p>2 A. Yeah, just my wife and kids, my ex-wife.</p> <p>3 Q. And before you were living there, you said</p> <p>4 you rented it?</p> <p>5 A. I rented it, yeah.</p> <p>6 Q. And who did you rent it to?</p> <p>7 A. I had -- Well, Adam and his wife were</p> <p>8 renting there a little bit before they bought a</p> <p>9 house, and then I just had another just random</p> <p>10 tenant that I found.</p> <p>11 Q. Do you know the years that Adam was living</p> <p>12 there?</p> <p>13 A. I have no clue. You'd have to ask him.</p> <p>14 Q. But safe to say it was after you purchased</p> <p>15 and before the time that you moved in to live there;</p> <p>16 is that accurate?</p> <p>17 A. When I first bought the house in 2006 or</p> <p>18 '5, whatever it was, I lived there for a while and</p> <p>19 then moved out of state for a little bit, rented it</p> <p>20 out to someone else, and then Adam rented it. And</p> <p>21 then I moved back in to fix it up and sell it and I</p> <p>22 ended up staying there for a little while.</p> <p>23 Q. How long did he live there?</p> <p>24 A. Probably like a year. Not too long because</p>	<p style="text-align: right;">Page 63</p> <p>1 services?</p> <p>2 A. I mean he's paid me for like if I sell him</p> <p>3 data or something, not for service. But, yeah, I</p> <p>4 mean I guess. We buy stuff off of each other that</p> <p>5 we need.</p> <p>6 Q. I think you mentioned you were also a</p> <p>7 consultant at one point for I think you said</p> <p>8 Offervision, is that correct, or it might have been</p> <p>9 Seal Dog?</p> <p>10 A. Not a consultant for either one of them. I</p> <p>11 said we do business with both of those.</p> <p>12 Q. And when you say do business, what do you</p> <p>13 mean?</p> <p>14 A. Like the same way all these other -- If he</p> <p>15 needs some type of data, I can find it for him. Or</p> <p>16 if I need it, I'll buy it from him, et cetera, if he</p> <p>17 has a client that has something I'm looking for and</p> <p>18 vice versa.</p> <p>19 Q. Do you recall if you made any money off of</p> <p>20 SnappyAutoInsurance.com?</p> <p>21 A. No, I don't think so. It was a failed</p> <p>22 site.</p> <p>23 Q. When you say -- I just want to make sure</p> <p>24 I'm understanding your testimony. When you say that</p>
<p style="text-align: right;">Page 62</p> <p>1 I wanted to move back in.</p> <p>2 Q. Do you know if he was running any</p> <p>3 businesses when he lived there?</p> <p>4 A. I don't know. You'd have to ask him. I</p> <p>5 think he was working for a company at the time, so</p> <p>6 I'm not sure.</p> <p>7 Q. When did you first start working with Adam</p> <p>8 Brown?</p> <p>9 A. We've been friends, like I said, since</p> <p>10 2000, so we always just tried to think of ideas</p> <p>11 together, but on and off for -- since I've known him</p> <p>12 trying to always do something.</p> <p>13 Q. So in addition to a friend, I mean is it</p> <p>14 fair to describe him as a business partner?</p> <p>15 A. No. I'd say he's a friend, slash, like I</p> <p>16 guess we just try to be successful so we bounce</p> <p>17 ideas off of each other, but we run separate</p> <p>18 businesses. Try not to mix friends and business too</p> <p>19 much.</p> <p>20 Q. Has he ever run or been affiliated with a</p> <p>21 business in connection with which you were paid?</p> <p>22 A. We run --</p> <p>23 Q. Let me rephrase that. Has Adam Brown or</p> <p>24 any of his companies ever paid you for professional</p>	<p style="text-align: right;">Page 64</p> <p>1 it was a failed site, again, you're speaking from</p> <p>2 memory; is that correct?</p> <p>3 A. Yeah, just from memory. I'm just guessing,</p> <p>4 because if it made money, I'd remember it.</p> <p>5 Q. Do you know if Adam Brown ever made money</p> <p>6 off of it?</p> <p>7 A. I don't know. You'd have to ask him.</p> <p>8 Q. What about Blueflame?</p> <p>9 MR. BRODERICK: Objection.</p> <p>10 A. What about Blueflame?</p> <p>11 Q. Did Blueflame ever make money off of</p> <p>12 SnappyAutoInsurance.com?</p> <p>13 MR. BRODERICK: Objection.</p> <p>14 A. No.</p> <p>15 Q. Have you ever heard of the address 9691</p> <p>16 Arbor Oaks, Unit 302, Boca Raton?</p> <p>17 A. I don't know. It's not my address. I</p> <p>18 don't know.</p> <p>19 Q. Have you heard of it?</p> <p>20 A. I mean Arbor Oaks sounds familiar. I think</p> <p>21 it's a neighborhood around here, but I've never</p> <p>22 lived there.</p> <p>23 Q. Do you know anyone who lived there?</p> <p>24 A. I don't know.</p>

<p style="text-align: right;">Page 65</p> <p>1 Q. You don't know -- What do you mean by you 2 don't know?</p> <p>3 A. Is it a house or is it an apartment? I 4 don't know.</p> <p>5 Q. I'm just asking you if you know anyone 6 who's lived there.</p> <p>7 A. It sounds familiar, but I don't know. I 8 mean is it something recent or -- I don't know how 9 it's associated. I'm trying to think. It sounds 10 like a familiar neighborhood. I just don't know who 11 would live there. I've lived here since 2000 or 12 2001. I used to live with Adam in college in an 13 apartment, so I don't know. Is it one of our old 14 apartment addresses? I don't know how old that is.</p> <p>15 Q. I want to talk about 16 SnappyAutoInsurance.com for a few minutes. I think 17 your testimony is that you don't have a specific 18 memory of being involved with this website; is that 19 accurate?</p> <p>20 A. Correct.</p> <p>21 Q. Does the website kind of ring a bell to 22 you?</p> <p>23 A. Like I said, the Snappy name does, but 24 there's a lot of sites. Like there's SnappySurvey.</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Yes. It sounds like a familiar site.</p> <p>2 Q. Do you remember any other Snappy websites?</p> <p>3 A. Not offhand, but I know there's a few.</p> <p>4 Q. And, to your knowledge, those would have 5 been owned by Offervision?</p> <p>6 A. Correct. Well, at least that one I see was 7 because it shows up when you contact us.</p> <p>8 Q. Do you know where Adam ran Offervision out 9 of?</p> <p>10 A. No. You'd have to ask him. I believe he 11 had an office.</p> <p>12 Q. Did he run that by himself?</p> <p>13 A. You'd have to ask him.</p> <p>14 Q. To your knowledge --</p> <p>15 A. We've shared offices before in the past. 16 We kind of just shared space so we could be out of 17 our houses, but, you know, we run separate 18 companies. I don't really ask him about that stuff.</p> <p>19 Q. When did you share office space?</p> <p>20 A. Probably 2015 maybe.</p> <p>21 Q. What was the address?</p> <p>22 A. It was just a shared -- Something on State 23 Road. One of those spaces you could just share 24 office space.</p>
<p style="text-align: right;">Page 66</p> <p>1 There's a million different Snappy versions out 2 there. So it rings a bell as far as the name 3 Snappy, but that site particularly, no, I don't 4 recall running it or being -- you know, making money 5 off of that site. I've never seen anything come in 6 from SnappyAutoInsurance nor have I seen that site 7 in years or nor is it in any of my systems.</p> <p>8 Q. I think you mentioned your Google search 9 account. What other systems do you have that you'd 10 be able to see?</p> <p>11 A. Cloud Servers just has all our data that we 12 transfer. And, besides that, that's really -- 13 everything is just kept in the Cloud.</p> <p>14 Q. You mentioned "we." Who are you referring 15 to?</p> <p>16 A. Well, I said me. I'm used to saying we 17 when I talk about Blueflame, but --</p> <p>18 Q. That term "Snappy," was that Adam Brown's 19 creation?</p> <p>20 A. Probably. It wasn't mine.</p> <p>21 Q. Are you aware of anyone else involved?</p> <p>22 A. No.</p> <p>23 Q. And we talked about SnappySurveys.net; do 24 you recall that?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. This is within Boca Raton?</p> <p>2 A. Yeah.</p> <p>3 Q. And I think you said State Road?</p> <p>4 A. Yeah. I don't -- Now it's called like 5 Nexus. I don't know what it used to be called. 6 It's changed owners a few times since then. I see 7 it when I drive by it's called Nexus now. I don't 8 know what it was called before.</p> <p>9 Q. Do you know a street address?</p> <p>10 A. It's just a shared, you know, office 11 building like where you could just rent space 12 monthly. It wasn't like an actual office.</p> <p>13 Q. Do you know the street?</p> <p>14 A. It's off State Road 7. That's all I know.</p> <p>15 Q. At any point, did you ever have access to 16 SnappyAutoInsurance.com?</p> <p>17 A. No.</p> <p>18 Q. Do you know who did have access?</p> <p>19 A. No.</p> <p>20 Q. Do you know who owned the website?</p> <p>21 A. No. Just based off what you sent me.</p> <p>22 Q. Do you know who paid for it?</p> <p>23 A. No clue.</p> <p>24 Q. Do you know who operated that?</p>

<p style="text-align: right;">Page 69</p> <p>1 A. Nope.</p> <p>2 Q. Is webmaster a term that's used for lead</p> <p>3 aggregation websites? Have you ever heard that</p> <p>4 term?</p> <p>5 A. I think it's used for registers when you</p> <p>6 buy a domain name.</p> <p>7 Q. What do you mean?</p> <p>8 A. When you -- Like when you register a domain</p> <p>9 name, I think it's like -- it says webmaster or</p> <p>10 whatever on there. I don't know. It shows it under</p> <p>11 a private -- If you look up the loans that -- I</p> <p>12 don't know. I think it's just through the register,</p> <p>13 wherever you register the domain from. Most people</p> <p>14 do it private.</p> <p>15 Q. So have you heard that term being used in</p> <p>16 this context?</p> <p>17 A. Webmaster, yeah, if I'm looking up on the</p> <p>18 website. Most of the time they're private, so you</p> <p>19 couldn't tell who owns it.</p> <p>20 Q. And typically you have to pay extra to have</p> <p>21 that information private; is that correct?</p> <p>22 A. A lot of services give it free now, but you</p> <p>23 used to. Most of the companies I used to register</p> <p>24 domains, they came free, just part of the service.</p>	<p style="text-align: right;">Page 71</p> <p>1 Q. So is it fair to say all lead aggregation</p> <p>2 websites are domain names?</p> <p>3 A. Yes, I would say so. I'd say the majority.</p> <p>4 I don't know how everyone -- If I knew how everyone</p> <p>5 generated leads, I'd be very rich.</p> <p>6 Q. And so I think you testified that you're</p> <p>7 not sure who runs SnappyAutoInsurance.com; is that</p> <p>8 correct?</p> <p>9 A. Yup.</p> <p>10 Q. What about at any point from 2013 to</p> <p>11 present?</p> <p>12 A. Have no clue.</p> <p>13 Q. Do you have any knowledge or memory about</p> <p>14 how leads were generated or sold from that website?</p> <p>15 A. No.</p> <p>16 Q. And does that include from 2013 to present?</p> <p>17 A. Correct.</p> <p>18 Q. Do you know when the website was last used?</p> <p>19 A. I don't know.</p> <p>20 Q. Would it surprise you if I told you that it</p> <p>21 was used as recently as of July of this year?</p> <p>22 MR. BRODERICK: Objection.</p> <p>23 A. Nothing would surprise me. It's not my</p> <p>24 site, so I don't know.</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. What are the websites you've used to create</p> <p>2 domains?</p> <p>3 A. Namecheap, GoDaddy, just whatever is the</p> <p>4 cheapest at the time.</p> <p>5 Q. And when you do that, do you use your</p> <p>6 personal name or do you use Blueflame's?</p> <p>7 A. I don't know what's in there. It's auto</p> <p>8 fields. Probably Blueflame.</p> <p>9 Q. Do you know when SnappyAutoInsurance.com</p> <p>10 was registered, the domain name?</p> <p>11 A. I mean per your exhibit, it looks like</p> <p>12 2013. I don't know.</p> <p>13 Q. Do you have any personal knowledge?</p> <p>14 A. No. Just only from what you sent me.</p> <p>15 Q. And you know it's a domain name, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And do you know that from what I sent you</p> <p>18 or do you have a memory or personal knowledge of</p> <p>19 that?</p> <p>20 A. No. From what you sent me, I see that it</p> <p>21 shows it was 2017.</p> <p>22 Q. Well, I'm just talking about the fact that</p> <p>23 it's a domain name.</p> <p>24 A. Oh, yeah, obviously. I know that.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Have you ever seen any documents associated</p> <p>2 with that website?</p> <p>3 A. Just from what you guys sent me.</p> <p>4 Q. Other than what I sent you, have you seen</p> <p>5 any other documents?</p> <p>6 MR. BRODERICK: Objection.</p> <p>7 A. Well, I mean other than what, I guess,</p> <p>8 anyone involved in this case sent me. I don't know</p> <p>9 who sent me what. I just looked at it, but -- I</p> <p>10 don't look at the names. That's it.</p> <p>11 Q. Are you aware of whether the website was</p> <p>12 taken down?</p> <p>13 A. I don't know. It's not my website.</p> <p>14 Q. Notwithstanding that, you're saying it's</p> <p>15 not your website, do you have any knowledge about</p> <p>16 the website being taken down?</p> <p>17 A. I don't know. I don't have a way to take</p> <p>18 it down. I don't have control of that site, so --</p> <p>19 Q. I'm asking kind of a simpler question which</p> <p>20 is, notwithstanding whether you had any involvement</p> <p>21 in it, are you aware or do you have any knowledge of</p> <p>22 the website being taken down?</p> <p>23 A. No.</p> <p>24 Q. Have you tried to visit the website?</p>

<p style="text-align: right;">Page 73</p> <p>1 A. Yes, when I was sent all this information 2 from you guys.</p> <p>3 Q. Prior to that time, when is the last time 4 you visited the website?</p> <p>5 A. Couldn't even tell you. Probably when -- I 6 don't even know. I don't even know if I ever did. 7 Maybe at the beginning when it was first created, 8 but I don't know. No time in the recent few years 9 besides checking once you guys reached out, and the 10 site's not even up.</p> <p>11 Q. When you say the site's not up, you're 12 talking about when you visited it recently; is 13 that --</p> <p>14 A. Yes, that domain, at least for me.</p> <p>15 Q. What approximate date did you last visit 16 it?</p> <p>17 A. Probably whenever one of your mailings 18 were -- I don't know. I haven't visited in the past 19 month or so. I don't know when it was -- the chain 20 started.</p> <p>21 Q. And in reviewing the documents that we sent 22 over, did you become aware that either you or 23 Blueflame had some involvement in this website?</p> <p>24 A. No. I just saw my name on the site, but</p>	<p style="text-align: right;">Page 75</p> <p>1 A. I'm fine. I'm trying to respond. One 2 second.</p> <p>3 MS. KINGSTON: Actually, this is a 4 good time. Let's just take a five-minute break.</p> <p>5 (Recess taken.)</p> <p>6 Q. Let's get back on the record. So I'm going 7 to mark what's been pre-marked as Exhibits 1 through 8 16. I'm going to mark all 16 exhibits at this time.</p> <p>9 And I'm going to show you, Mr. Cohen, what's been 10 marked as Exhibit 3 which I sent you a copy of, but 11 I'm going to screen share. Do you see that on your 12 screen?</p> <p>13 A. Yes.</p> <p>14 Q. This is Exhibit 3. This is a screen shot 15 that was taken from the WaybackMachine.com from -- 16 for SnappyAutoInsurance.com as of September 6, 2019.</p> <p>17 Do you recognize this page?</p> <p>18 A. No.</p> <p>19 Q. Did you build this website?</p> <p>20 A. No.</p> <p>21 Q. Do you have any knowledge of who built the 22 website?</p> <p>23 A. No.</p> <p>24 Q. Do you see this telephone number towards</p>
<p style="text-align: right;">Page 74</p> <p>1 that's common. I've seen my name on sites I don't 2 even know. Some people take a site that does good 3 overseas, clone it, and take all the information and 4 run a site. It happens all the time. I'm not 5 saying that's what happened here.</p> <p>6 Yeah, I see my name on it, but I don't see 7 anything bad. I'm just in a privacy policy, so 8 it's -- I could have -- It could have been pulled 9 off another site that I was involved with and they 10 took a privacy policy or I could have done something 11 with this site and it just never worked, but I don't 12 have any record of this site.</p> <p>13 Q. And do you have any memory of this site at 14 all?</p> <p>15 A. No. Like I said, maybe I remember trying 16 to collab. with Adam at the beginning and it just 17 didn't work out, but I don't know anything besides 18 that.</p> <p>19 Q. Did Adam Brown talk to you about taking the 20 website down?</p> <p>21 A. No.</p> <p>22 Q. Okay. I'm going to screen share a couple 23 of exhibits. Are you doing okay or do you want a 24 quick break?</p>	<p style="text-align: right;">Page 76</p> <p>1 the end of the page?</p> <p>2 A. It's too small.</p> <p>3 Q. Can you see it better now?</p> <p>4 A. No.</p> <p>5 Q. Is that better?</p> <p>6 A. There's just thumbnails, but, either way, I 7 don't know the phone number.</p> <p>8 MS. KINGSTON: Ted, is that coming out 9 clearly for you?</p> <p>10 MR. BRODERICK: You don't have it 11 open. It's just the thumbnails of all the exhibits.</p> <p>12 Q. So you can't see this page?</p> <p>13 MR. BRODERICK: Double click that.</p> <p>14 Q. I did. Let me try again. What about now?</p> <p>15 MR. BRODERICK: There you go.</p> <p>16 Q. Let's start over. So, Mr. Cohen, do you 17 recognize this page, this screen shot?</p> <p>18 A. No. It just looks like a regular auto 19 insurance form.</p> <p>20 Q. Okay.</p> <p>21 A. It looks like it's an iframe of someone 22 else's site.</p> <p>23 Q. What do you mean by iframe?</p> <p>24 A. Like it's just someone else's lead form in</p>

<p style="text-align: right;">Page 77</p> <p>1 the middle there of different companies.</p> <p>2 Q. So we're looking at the lead form of the</p> <p>3 web page?</p> <p>4 A. Correct.</p> <p>5 Q. And your testimony is that you did not</p> <p>6 build this website?</p> <p>7 A. No.</p> <p>8 Q. Did you have any involvement in building</p> <p>9 the website?</p> <p>10 A. No. I mean not that I know of. I</p> <p>11 shouldn't say no, but not that I remember.</p> <p>12 Q. Is this in the same form that you would</p> <p>13 build websites?</p> <p>14 A. It's pretty basic, so I don't know. It</p> <p>15 doesn't really show much.</p> <p>16 Q. Do you have any knowledge of who built this</p> <p>17 website?</p> <p>18 A. It looks like it's -- No. No, I don't.</p> <p>19 Q. Do you see this number towards the end of</p> <p>20 the page?</p> <p>21 A. No clue. It's probably someone buying</p> <p>22 leads, if I had to guess. I don't know what</p> <p>23 happens, what you call it.</p> <p>24 Q. So you don't recognize that number?</p>	<p style="text-align: right;">Page 79</p> <p>1 Exhibit 5. Can you see that?</p> <p>2 A. Yup.</p> <p>3 Q. Exhibit 5 is a screen shot from Wayback</p> <p>4 Machine for SnappyAutoInsurance.com from August 16,</p> <p>5 2018. And this is the privacy policy. Have you</p> <p>6 ever seen this before?</p> <p>7 A. Nope.</p> <p>8 Q. Did you create this?</p> <p>9 A. No.</p> <p>10 Q. I'm scrolling down to the portion that</p> <p>11 says, "Use of information." Do you see that?</p> <p>12 A. Yes. I see Blueflame there, but I don't</p> <p>13 know. I didn't create this.</p> <p>14 Q. So there's quite a few references to</p> <p>15 Blueflame here, correct?</p> <p>16 A. Yeah. It looks like it. Maybe if you find</p> <p>17 some old site of mine, probably just copied and</p> <p>18 pasted off of it and they forgot to change the name.</p> <p>19 Q. So you think some other company or person</p> <p>20 copied a website --</p> <p>21 A. Probably used the privacy policy on a</p> <p>22 related site and just forgot to do find and replace.</p> <p>23 It probably should have said old</p> <p>24 SnappyAutoInsurance. Most sites don't say the</p>
<p style="text-align: right;">Page 78</p> <p>1 A. No. I don't have any 888 numbers. I'm</p> <p>2 going to guess it's probably someone buying leads,</p> <p>3 though.</p> <p>4 Q. I'm going to show you what's been marked as</p> <p>5 Exhibit 4. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. So Exhibit 4 is a screen shot from Wayback</p> <p>8 Machine for SnappyAutoInsurance from -- this one's</p> <p>9 from August 16, 2018, and we're looking at the terms</p> <p>10 of use. Have you ever seen this before?</p> <p>11 MR. BRODERICK: Objection.</p> <p>12 A. Not terms of use. I mean I've seen terms</p> <p>13 of use on a million sites.</p> <p>14 Q. The specific terms of use for</p> <p>15 SnappyAutoInsurance.com.</p> <p>16 A. No. I don't know. I didn't put it there.</p> <p>17 Q. So you didn't create this?</p> <p>18 A. No.</p> <p>19 Q. Do you know who did?</p> <p>20 A. I have no clue.</p> <p>21 Q. Your testimony is you have no knowledge who</p> <p>22 created this terms of use?</p> <p>23 A. No.</p> <p>24 Q. I'm going to show you what's been marked as</p>	<p style="text-align: right;">Page 80</p> <p>1 company name on them because they would just go</p> <p>2 directly to the company.</p> <p>3 Q. So you have no knowledge of how Blueflame's</p> <p>4 name ended up on the privacy policy for</p> <p>5 SnappyAutoInsurance.com; is that your testimony?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if Adam Brown put it there?</p> <p>8 A. I have no clue. It seems like it was a</p> <p>9 mistake.</p> <p>10 Q. Why do you say that?</p> <p>11 A. Because most companies would put the name</p> <p>12 of the website, not a company name, because then if</p> <p>13 you're running a lead aggregation site or an</p> <p>14 affiliate site, if they see where it's coming from,</p> <p>15 then they would just go direct to them and cut out</p> <p>16 the middle man, so it wouldn't be a smart move.</p> <p>17 Q. Going down to access to information, it</p> <p>18 references an address 9691 Arbor Oaks, Unit 302,</p> <p>19 Boca Raton, Florida. Do you see that?</p> <p>20 A. Yes. I've never lived there.</p> <p>21 Q. Do you know anyone who has lived there?</p> <p>22 A. No, not that I know of.</p> <p>23 Q. Do you know if Adam Brown's ever lived</p> <p>24 there?</p>

<p style="text-align: right;">Page 81</p> <p>1 A. He might have. I don't know. I don't 2 recall the address. The neighborhood sounds 3 familiar, like I said, but I don't know all of his 4 addresses, especially way back then. I don't keep 5 track of where he lives.</p> <p>6 Q. I'm asking more generally, not about 7 SnappyAutoInsurance. When you've built sites in the 8 past, have you created the privacy policies?</p> <p>9 A. Or they're provided or I take them -- like 10 I said, I'll take them from one of my other sites 11 that deal with the same partners and find and 12 replace the name. That's why I'm saying something 13 like this could have been done wrong or I don't know 14 how they do it. It's not my site.</p> <p>15 Q. Does this look like the same form that you 16 use?</p> <p>17 A. I don't know. I had a lawyer years ago and 18 I don't read through it. Only when someone needs me 19 to change something. I couldn't even tell you.</p> <p>20 Q. Does this style look familiar to you?</p> <p>21 A. It looks like a standard privacy policy 22 that most sites use, yes.</p> <p>23 Q. Do you know if you've ever used this form 24 for another website?</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. What about now?</p> <p>2 A. Yes.</p> <p>3 Q. So, like I said, this is Exhibit 7. This 4 is the subpoena response from Mailgun Technologies, 5 Inc. in response to a request for information about 6 the owner of SnappyAutoInsurance.com. Do you see 7 that your name is listed here?</p> <p>8 A. I do, and my address and my credit card, 9 but I don't know -- but what's Mailgun?</p> <p>10 Q. So you have never heard of the company 11 Mailgun Technologies, Inc.?</p> <p>12 A. Obviously I bought something for a very 13 little amount, \$10, so I don't even know what it 14 could be. But are they -- And how is this related 15 to that site? What did I buy or what is this -- I 16 guess what does Mailgun even do? I've never heard 17 of them. Maybe they're under a different name, 18 that's their company name and -- Do they operate 19 under a different name?</p> <p>20 Q. I'm just going to ask you the questions. 21 If you can try to focus on the questions that I'm 22 asking. They listed an American Express ending in 23 1003. Do you see that?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 82</p> <p>1 A. I have no clue. I literally haven't read 2 through a full privacy policy in years. I pay 3 people to do that.</p> <p>4 Q. I'm going to show you what's been marked as 5 Exhibit 6. This is a subpoena that was issued from 6 the plaintiffs' attorney to a company called Mailgun 7 Technologies, Inc.</p> <p>8 A. I don't know who that is.</p> <p>9 Q. You've never heard of a company called 10 Mailgun Technologies?</p> <p>11 A. Mailgun Technologies, no.</p> <p>12 Q. So looking at the subpoena, it's requesting 13 documents relating to the owner of the website 14 SnappyAutoInsurance.com. This includes but is not 15 limited to the name and contact information for the 16 registrant as well as billing and invoice 17 information. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. So now I'm going to show you what's been 20 marked as Exhibit 7. And this is the subpoena 21 response from Mailgun Technologies. Can you see 22 that now? Is there an Excel spreadsheet showing for 23 you?</p> <p>24 A. No. It just shows the district court.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Is that your credit card?</p> <p>2 A. I don't know. I mean I have a ton of 3 different American Express cards, so I don't know.</p> <p>4 Q. So you're not sure if that's your card?</p> <p>5 A. I don't know. I mean I don't know -- The 6 numbers, I'm sure, have changed since then, but --</p> <p>7 Q. What about that e-mail, 8 BlueflameWeb@gmail.com; is that your e-mail address?</p> <p>9 A. Yes, that's my e-mail address.</p> <p>10 Q. What about the phone number?</p> <p>11 A. Where does it have a phone number?</p> <p>12 Q. So in line four, column B, 561-573-9083; is 13 that your phone number?</p> <p>14 A. Yes.</p> <p>15 Q. Is that your cell phone?</p> <p>16 A. Yes.</p> <p>17 Q. Do you see the address listed?</p> <p>18 A. That's my address.</p> <p>19 Q. Do you recall paying for service through 20 Mailgun Technologies, Inc.?</p> <p>21 A. I'm looking right now. You have a new 22 invoice, zero dollars, zero dollars, including 23 messages. I don't know. It doesn't say -- When I 24 type Mailgun and that e-mail address, there's a ton</p>

<p style="text-align: right;">Page 85</p> <p>1 of stuff coming up. I don't know what the hell they 2 are.</p> <p>3 Q. And you're talking about 4 BlueflameLab@gmail.com?</p> <p>5 A. Yes. I see it for 2017, 2018. It says my 6 card expired and they stopped billing me, but I 7 don't even know what the hell it is.</p> <p>8 Q. Does it mention --</p> <p>9 A. Amount paid, \$5 in 2017. I don't even know 10 what -- I'd have to look up Mailgun. I don't even 11 know what the hell it is.</p> <p>12 Q. Can you provide us copies of those e-mails?</p> <p>13 A. Yeah. It looks like an e-mail service. I 14 don't know. But, yeah.</p> <p>15 Q. Do you know if it references a website that 16 it's in connection with?</p> <p>17 A. No, it doesn't -- I'm looking at all the 18 invoices. It just says -- I think it's just a 19 platform where you can put hundreds of websites on 20 there if you want. That's what it looks like. I 21 could have had it on multiple sites, but now there's 22 not a -- it doesn't mention websites on any of them.</p> <p>23 Q. Does that refresh your memory that you've 24 used the service before?</p>	<p style="text-align: right;">Page 87</p> <p>1 shows the same bills you're showing me, and then it 2 shows me my credit card expired in 2018 and nothing 3 else. So I don't know what it was.</p> <p>4 Q. So this would have been three years ago.</p> <p>5 Do you have any memory of still working with 6 SnappyAutoInsurance at that time?</p> <p>7 A. No.</p> <p>8 Q. Even if you were paying for a service?</p> <p>9 A. I'd have to look at Mailgun and see what's 10 in there. I could have had multiple sites in there 11 and I was doing something and this happened to be 12 one of them. I don't know when it was actually used 13 or what, but I don't -- I don't even know what 14 Mailgun does, to be honest with you, until you just 15 said that. I'm looking it up. And none of their 16 e-mails list any of the websites, so I'd have to 17 find a log-in or something and you can get in there 18 and see what it does.</p> <p>19 Q. Is there a reason why you would have been 20 paying for this rather than Mr. Brown?</p> <p>21 A. Like I said, I don't know. We would 22 collaborate on stuff. So it was something at one 23 point we were testing and that site happened to be 24 in there. Maybe I'm still paying for a service I</p>
<p style="text-align: right;">Page 86</p> <p>1 A. I still don't even know what the service 2 is. I'm now trying to figure it out, because 3 they're charging me randomly like \$5 a month, so I 4 don't know what -- It's not a lot of money, but I'm 5 wondering what I'm paying for. But, no, it does not 6 mention any websites in either of the e-mails.</p> <p>7 Q. So I would ask for copies of those e-mails 8 that you have from Mailgun.</p> <p>9 A. Okay.</p> <p>10 Q. So you don't recall using this service for 11 SnappyAutoInsurance?</p> <p>12 A. No. It doesn't even tell me what sites are 13 on here. It just shows an invoice and a bill.</p> <p>14 Q. But we do have a subpoena response from 15 Mailgun Technologies that indicates that you used 16 the service for SnappyAutoInsurance.com. Do you 17 have any reason to disagree that that happened?</p> <p>18 A. I mean if they're saying I did, then I 19 don't know. I mean maybe -- I have so many sites. 20 I don't know.</p> <p>21 Q. And this would have been in 2017 according 22 to Mailgun's records, correct?</p> <p>23 A. Correct, but I don't know -- According to 24 their e-mails, I see some stuff from '17. It just</p>	<p style="text-align: right;">Page 88</p> <p>1 didn't even realize. I don't know. Did they tell 2 you the last time I logged in or what other sites I 3 used it for? It doesn't tell me here, so I don't 4 know.</p> <p>5 Q. We're talking about what you know at this 6 point. And so your memory is you don't recall using 7 the service?</p> <p>8 A. No. I used the service, but I don't recall 9 what I used it for or what sites I used it for, just 10 based on what you're saying here or showing me.</p> <p>11 Q. And you're not sure what services they even 12 provide?</p> <p>13 A. I'm not. And I just looked through their 14 e-mails while we are on this call. And I see these 15 two bills right here, and literally these are the 16 only two bills I see. And everything else just 17 shows zero dollars, but nothing shows websites. And 18 it shows my credit card expired. So I don't know 19 what it is for.</p> <p>20 Q. Are you seeing an e-mail on your screen, 21 screen share?</p> <p>22 A. No.</p> <p>23 Q. What about now?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 89</p> <p>1 Q. I'm showing you what's been marked as 2 Exhibit 8. And this is an e-mail from Josh Odom 3 from Mailgun Technologies to plaintiffs' attorneys 4 in this case. So I can represent to you that 5 essentially plaintiffs' attorneys were looking for 6 more information about Mailgun's subpoena response. 7 And Mailgun says the zip code associated with the 8 card is 33498. Is that your zip code? 9 A. Correct. 10 Q. And you see that the name associated with 11 the card is Justin Cohen. Do you see that? 12 A. No. 13 Q. You don't see that under number two? 14 A. Oh, yeah. I see it there. 15 Q. And so he's saying the account isn't 16 closed. The credit card is expired. Our service 17 has a pay-as-you-go option. Account last generated 18 billable usage in June 2017. Do you see that? 19 A. I do see that. 20 Q. Does this refresh your memory of using 21 Mailgun Technologies? 22 A. No. Still the same thing as on this. 23 Q. But you have no reason to disagree with the 24 records that at some point you did pay for their</p>	<p style="text-align: right;">Page 91</p> <p>1 right in there. I've got it. Sorry. 2 MS. KINGSTON: That's all right. 3 Q. All right, Mr. Cohen. Can you see that on 4 your screen? 5 A. Yes. 6 Q. I'll represent to you that this was 7 GoDaddy's response to plaintiffs' subpoena seeking 8 information about the owner of the website 9 SnappyAutoInsurance.com. Do you see that it has the 10 name Adam Brown? 11 A. Yup. 12 Q. Do you have any reason to doubt that Adam 13 Brown created this domain name? 14 A. No. I'm sure he did. 15 Q. And you're basing that off of the documents 16 that I'm showing you? 17 A. Yeah. 18 Q. Do you have any memory at all of him 19 creating this website? 20 A. No. 2008, I mean that was a long time ago. 21 Q. Well, I think just from viewing this 22 document, I can tell you I think 2008 is when he 23 created this account but not this domain name. 24 A. Okay.</p>
<p style="text-align: right;">Page 90</p> <p>1 services? 2 A. I'm sure I did. I see e-mails from it. I 3 just don't know what it's for and what websites I 4 used. 5 Q. And, just for the record, you're going to 6 be providing us copies of those e-mails, correct? 7 A. Sure. 8 Q. I'm going to show you what's been marked as 9 Exhibit 9. Can you see that okay? 10 A. Now I do. 11 Q. So this is a subpoena that was issued in 12 this lawsuit by plaintiffs' attorneys to 13 GoDaddy.com, Inc. looking for all documents relating 14 to the owner of the website SnappyAutoInsurance.com 15 including name, contact information, and billing and 16 invoice. Do you see that? 17 A. Yes. 18 Q. Now I'm going to show you -- 19 MR. BRODERICK: Christine, just for 20 the record, I don't think Schedule A is actually 21 attached to this. 22 MS. KINGSTON: I don't think there was 23 a schedule, Ted. 24 MR. BRODERICK: Oh, I see. It's just</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Do you see that log-in name, Emma2304? 2 A. I see it, yes. 3 Q. Does that look familiar to you? 4 A. No. 5 Q. Have you ever seen that before? 6 A. It looks more like a password, but, no. 7 Q. And do you see that address? 8 A. Yes. It's my old address. 9 Q. So that's the house that you owned from 10 2007 to 2016, correct? 11 A. Yes. 12 Q. Do you know why he would have put your -- 13 Strike that. You rented the house to him at some 14 point, correct? 15 A. Exactly, yeah. It was probably during that 16 time. I don't know the year. He'll probably know 17 better. 18 Q. So does this suggest that he was living at 19 that house when he created this domain name? 20 A. I have no clue. I mean he could have lived 21 there. He might have lived there and used that 22 address. I don't know. 23 Q. And going down, is that his phone number? 24 A. Yeah.</p>

<p style="text-align: right;">Page 93</p> <p>1 Q. Is that his cell phone? 2 A. Yeah. 3 Q. And is that his e-mail? 4 A. Yup. 5 Q. Okay. For the record, that's 6 AdamB11480@gmail.com. So we're on the second page 7 of Exhibit 10 and it has a creation date of 8 September 24, 2013. Do you see that? 9 A. Yup. 10 Q. Does that refresh your memory of when this 11 website was created? 12 A. No. 13 Q. So you have no memory at all of this 14 website being created? 15 A. No. 16 Q. And no -- 17 A. Not when or where. I mean, like I said, I 18 don't know. 19 Q. What do you have a memory of? 20 A. The name sounds familiar, but I don't know 21 what we did with it. I think it was failed and I 22 don't recall anything beyond that. 23 Q. And do you see here it expires on September 24 24, 2020?</p>	<p style="text-align: right;">Page 95</p> <p>1 there a way to make it -- to basically scrub it off 2 the Internet? 3 MR. BRODERICK: Objection. 4 A. I don't know. I never had to do that. 5 Usually if I just cancel a site, it just goes away. 6 Q. When you cancel a site, do you cancel the 7 hosting? 8 A. I just let it expire. 9 Q. Okay. I'm going to go down to some of the 10 entries here. I'm on page 17 of Exhibit 10. Can 11 you see that clearly? 12 A. Yes. 13 Q. So what this is indicating to me is that 14 Adam Brown paid for services on GoDaddy for 15 SnappyAutoInsurance on September 24, 2013. Do you 16 see that? 17 A. Right now it says Zoom. I don't see 18 anything. 19 Q. You can't see the document? 20 A. No. 21 Q. Can you see the document clearly now? 22 A. Yeah. 23 Q. So you see that it's reflecting a 24 transaction that occurred, correct?</p>
<p style="text-align: right;">Page 94</p> <p>1 A. Yup. 2 Q. Indicating that this site is still active, 3 correct? 4 A. I guess so. It doesn't go to a domain, 5 last time I checked, unless it's active. I don't 6 know. It's not my account. 7 Q. In your experience using GoDaddy, and I'm 8 talking just generally, can you pay for a domain 9 name but not have it active? 10 A. Yeah. People have thousands of domain 11 names just sitting there that they just keep just to 12 sell one day or they don't want anyone else to use 13 them. 14 Q. And how do you make a site not active? 15 What are the steps that you have to take? 16 A. I don't really know. I just don't think 17 you ever put a URL on it or you're hosting expires. 18 If your hosting expires, your site goes down. 19 Q. And hosting through GoDaddy or is that for 20 another -- 21 A. Just anywhere, but you pay monthly for it. 22 So if you don't have it hosted, then the site won't 23 show up. 24 Q. What if you're paying for it still; is</p>	<p style="text-align: right;">Page 96</p> <p>1 MR. BRODERICK: Objection. 2 A. I mean yeah, but -- Yeah, sure. 3 Q. Okay. And it seems to be that Adam Brown 4 is paying for GoDaddy services. Do you see that? 5 A. I -- 6 MR. BRODERICK: Objection. 7 Q. Have you ever paid for services through 8 GoDaddy? 9 A. They're not my main register, but, yeah, 10 sometimes. 11 Q. Do any of these services look familiar to 12 you, .comdomainnameregistration? 13 A. Yes. That's just registering domain names, 14 yeah. 15 Q. So speaking more generally, have you ever 16 paid for a service like that through GoDaddy? 17 A. Of course. 18 Q. And what's the link you usually pay for? 19 A. Me? I do a year or two. Everyone is 20 different. Sometimes you can buy five years. 21 Sometimes you can buy one year. The more you buy, 22 the cheaper it is. If you forget to cancel, they 23 automatically bill you every year, so it depends. 24 Q. Do you have any knowledge of Adam Brown</p>

<p style="text-align: right;">Page 97</p> <p>1 paying for this in 2013?</p> <p>2 A. No, but it says recurring charge. It means 3 it's an auto re-bill, so as long as the credit card 4 doesn't expire, it's automatically just re-billed.</p> <p>5 Q. Where does it say recurring?</p> <p>6 A. It says, "One year recurring" right next to 7 the second line.</p> <p>8 Q. So the .netdomainnameregistration, but what 9 about that --</p> <p>10 A. Autoinsurance.com, it says one year 11 recurring, so it means every --</p> <p>12 Q. Okay. I see where you're at. In your 13 experience, this means it will re-bill every year?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. You have no knowledge of Adam Brown 16 paying for it?</p> <p>17 A. No, but in a minute I'm going -- I'm trying 18 to stall.</p> <p>19 Q. I'm happy to take a short break. So we 20 still have ground to cover, so we're going to have 21 to keep going.</p> <p>22 A. Okay.</p> <p>23 Q. If you want a short break to take a call, 24 I'm happy to accommodate you.</p>	<p style="text-align: right;">Page 99</p> <p>1 want it to get to that point.</p> <p>2 A. We can set another date. That's not a 3 problem.</p> <p>4 Q. Here's what we're going to do. We're going 5 to go off the record until 1 o'clock which will give 6 you time to complete your calls. We're going to get 7 back on at 1 so we can complete this deposition.</p> <p>8 Okay? All right?</p> <p>9 A. Yes. Thanks.</p> <p>10 MS. KINGSTON: We will be back on at 11 1. And we are off the record.</p> <p>12 (Lunch recess taken at 1:03 p.m.)</p> <p>13 Q. So, Mr. Cohen, we're back on the record.</p> <p>14 You're still under oath. Have you been in contact 15 with Adam Brown at all today?</p> <p>16 A. No.</p> <p>17 Q. So you've had no contact at all with him 18 during your deposition at any point?</p> <p>19 A. During my deposition, no.</p> <p>20 Q. What about during the break we just took?</p> <p>21 A. No. I had lunch.</p> <p>22 Q. So you haven't been in touch with him at 23 all today? Sorry. If you answered, I didn't hear 24 your answer.</p>
<p style="text-align: right;">Page 98</p> <p>1 A. We can come back at 1.</p> <p>2 Q. I want to be clear, but --</p> <p>3 A. I'll try. I mean I have to work. I'm 4 giving you time. I can't give you my whole day. 5 I'm sorry.</p> <p>6 Q. Well, again, you're under subpoena to 7 testify, so I can't help you.</p> <p>8 A. That's up to you. I'm giving you options 9 here. You can't force me to stay on here. I have 10 to work. Unless you want to pay me for the day, 11 I'll stay on all day long.</p> <p>12 Q. Here's what we're going to do. We're going 13 to take a lunch break until 1. We're going to get 14 back on at 1, and I'll try to get you in and out as 15 quickly as I can, but I can't promise you. And so 16 we'll have to go as long as I need at 1.</p> <p>17 A. We'll just have to keep getting off. Just 18 go as quickly as you can. I can't stop my calls. 19 Unless you guys are paying me for the day, I have to 20 work.</p> <p>21 Q. The options are either we complete this 22 today and if we can't complete this today, then 23 we'll have to set another date. If you can't do 24 that, then we do have an open court case, so I don't</p>	<p style="text-align: right;">Page 100</p> <p>1 A. No, I haven't talked to him during the 2 deposition.</p> <p>3 Q. What about today?</p> <p>4 A. A message, but nothing related to this.</p> <p>5 Q. You mean through text messages?</p> <p>6 A. More Skype. Just nothing related to this. 7 Just work.</p> <p>8 Q. You didn't discuss your deposition at all?</p> <p>9 A. No. I just said I had it today.</p> <p>10 Q. What else did you talk about relative to 11 this case?</p> <p>12 A. Nothing relative to the case.</p> <p>13 Q. Nothing at all about SnappyAutoInsurance?</p> <p>14 A. No.</p> <p>15 Q. I'm going to show you what's marked Exhibit 16 17 and then I'm going to screen share that. Can you 17 see that okay?</p> <p>18 A. Yup.</p> <p>19 Q. So showing you Exhibit 17, these are copies 20 of e-mails we received from you and Mr. Brown on 21 September 2nd.</p> <p>22 A. Yup.</p> <p>23 Q. Do you recognize these e-mails?</p> <p>24 A. Yes, I do.</p>

<p style="text-align: center;">Page 101</p> <p>1 Q. So there's an e-mail from you at 2:35, and 2 then there's an e-mail from Dirty Jeeps, 3 AdamB11480@gmail.com at 2:38. Do you see that? 4 A. Yes. 5 Q. And that's Adam's e-mail, correct? 6 A. Correct. 7 Q. And would you agree with me that the 8 substance of these two e-mails is essentially the 9 same? 10 A. They are. I told him I was going to write 11 back, and he said the same. 12 Q. Did you coordinate these responses? 13 A. No. I wrote back and I said, "Look what I 14 wrote," and then he said he was going to reply. He 15 agreed with what I said, so I'm sure he probably 16 wrote something very similar or the same. 17 Q. And when you were talking, was that over 18 the phone? 19 A. Probably. I don't recall, but I'm sure. 20 We talk a lot every day, so -- 21 Q. But relative to these e-mails specifically, 22 were you speaking about them by e-mail or over the 23 phone? 24 A. Could have been over the phone. Could have</p>	<p style="text-align: center;">Page 103</p> <p>1 Q. And that's your language from the first 2 e-mail? 3 A. Yeah, I wrote that. 4 Q. Okay. Earlier I showed you the GoDaddy 5 subpoena response. Do you recall that? It was an 6 Excel spreadsheet. 7 A. Yes. 8 Q. So that subpoena response indicates that 9 Adam Brown was paying for the domain name 10 SnappyAutoInsurance.com through 2020. Are you aware 11 of that? 12 A. Now I am from what you showed me, but I 13 don't know what that has to do with me. 14 Q. Were you aware that he was still paying for 15 the website? 16 A. No. 17 Q. And I think you testified you don't know 18 who's currently, if anyone, running 19 SnappyAutoInsurance.com; is that right? 20 A. That's correct. 21 Q. And when is the last time you knew who was 22 running that? 23 A. Probably when Adam and I did like -- if we 24 did something with it. I don't know. Whenever that</p>
<p style="text-align: center;">Page 102</p> <p>1 been in person. I don't -- Probably over the phone. 2 Q. What about by e-mail? 3 A. No. 4 Q. You did not e-mail Adam Brown about this? 5 A. No. I just replied to all. He's on the 6 e-mail. He saw it himself. 7 Q. Just a moment ago you said that you spoke 8 to him that you were going to respond. 9 A. No. I'm saying he's on the e-mail. I 10 didn't speak to him also via e-mail. Yeah, I spoke 11 on the phone telling him I'm going to respond. 12 Q. So that conversation was over the phone? 13 A. I believe so, yeah. 14 Q. Okay. 15 A. Or I probably called and said, I just 16 responded. One of the two. I don't recall exactly 17 what I did, but I told him I was responding either 18 way. 19 Q. But your memory is that that was by 20 telephone call? 21 A. Correct. 22 Q. Did you tell him to respond in a similar 23 manner? 24 A. No.</p>	<p style="text-align: center;">Page 104</p> <p>1 was. Probably when it was first created. I don't 2 know the year. A long time ago. 3 Q. To your knowledge, would Adam Brown have 4 been running it at that time? 5 A. Not that I know of. 6 Q. You said not that you know of? 7 A. Not that I know of, yes. 8 Q. What do you mean by that? 9 A. Meaning I don't know if he was running it 10 or not. I don't recall. 11 Q. Do you have any knowledge of whether any 12 leads generated from the website are fraudulent? 13 A. No, I don't. Adam doesn't do -- We don't 14 do fraudulent stuff, so, no. 15 Q. So your testimony is you don't believe that 16 leads generated from that website would be 17 fraudulent? 18 MR. BRODERICK: Objection. 19 A. No, not on purpose, not from us. 20 Q. And, again, you're not aware of who 21 currently runs that website? 22 A. No. 23 Q. And you're not aware of who ran it in 2019? 24 A. No.</p>

<p style="text-align: center;">Page 105</p> <p>1 Q. So if someone else is running this website 2 besides you or Adam Brown, you have no way of 3 knowing whether leads created were fraudulent or 4 not; is that accurate?</p> <p>5 A. Accurate.</p> <p>6 Q. Do you recall telling the plaintiffs' attorneys that Mr. Mantha's lead is fraudulent?</p> <p>8 A. No.</p> <p>9 Q. You don't. Okay. And is it fair to say that you have no way of knowing that?</p> <p>11 A. Yeah, I have no way of knowing.</p> <p>12 Q. Did you enter anyone's personal information on SnappyAutoInsurance.com in 2019?</p> <p>14 A. No. I don't enter anyone's information on any site. They do it themselves.</p> <p>16 Q. So it's your testimony that you didn't fraudulently create the lead at issue in this case?</p> <p>18 A. No.</p> <p>19 Q. Have you ever heard of the name of Joe Mantha before?</p> <p>21 A. No.</p> <p>22 Q. When is the first time you heard that name?</p> <p>23 A. When I got paperwork from one of the lawyers. Probably this.</p>	<p style="text-align: center;">Page 107</p> <p>1 related to this website.</p> <p>2 Q. And what do you mean by your portfolio?</p> <p>3 A. Just the domains I own, just checked what I owned. And I didn't own the website and I didn't have any correspondence about the website in any of my e-mails, so that's it.</p> <p>7 Q. So you have a portfolio where you list all of the domain names that you own?</p> <p>9 A. Well, no. Just like inside GoDaddy, inside all different registers where I buy domain names from.</p> <p>12 Q. So you looked at your accounts on all of those hosting sites?</p> <p>14 A. Correct, and I never saw this website.</p> <p>15 Q. Did you see any Snappy websites?</p> <p>16 A. No.</p> <p>17 Q. And do you remember besides GoDaddy where you searched?</p> <p>19 A. Probably One and One.</p> <p>20 Q. And did you search GoDaddy for this website?</p> <p>22 A. Yeah, I'm sure I did. I'm sure I looked at all my stuff I had saved.</p> <p>24 Q. But, as you sit here today, can you recall</p>
<p style="text-align: center;">Page 106</p> <p>1 Q. Probably the subpoena?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have knowledge of anyone else fraudulently creating leads on SnappyAutoInsurance.com?</p> <p>5 A. No.</p> <p>7 Q. And I think you said that your testimony was that Adam Brown does not fraudulently create leads?</p> <p>10 A. No, he does not.</p> <p>11 Q. Has anyone ever accused you or Adam Brown of fraudulently creating leads?</p> <p>13 A. Nope.</p> <p>14 Q. When did you first learn that this lawsuit had been filed?</p> <p>16 A. I don't know. Whenever you guys sent me something. I didn't keep track of the dates.</p> <p>18 Q. And when you first received a copy of the subpoena, did you take any steps to investigate?</p> <p>20 A. Yeah. I looked if I had any relation to the site, which I didn't, and that was about it.</p> <p>22 Q. And how did you look to see that?</p> <p>23 A. Just looked through my portfolio and looked through my e-mails, and I didn't see anything</p>	<p style="text-align: center;">Page 108</p> <p>1 if you did that?</p> <p>2 A. I recall I don't -- I didn't see it in any of my things, so, yeah.</p> <p>4 Q. What e-mails did you search?</p> <p>5 A. What e-mails? What do you mean?</p> <p>6 Q. The e-mail we've been corresponding with you is Justin@Blueflame.com; is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. Is that your primary work e-mail?</p> <p>10 A. Correct.</p> <p>11 Q. Did you search that e-mail for anything related to SnappyAutoInsurance?</p> <p>13 A. Yes. There's nothing there.</p> <p>14 Q. What other e-mails do you use?</p> <p>15 A. That's it for that -- I mean that I would talk about that.</p> <p>17 Q. What about -- We found e-mails on the Mailgun subpoena response. I think it was BlueflameWeb@gmail.com. Do you still use that?</p> <p>20 A. That's just my PayPal e-mail address. I don't use it for correspondence.</p> <p>22 Q. Did you search that for anything relating to Snappy?</p> <p>24 A. No. I don't think there's anything there.</p>

<p style="text-align: right;">Page 109</p> <p>1 Q. So I'd ask that you go back and do that in 2 addition to giving us the Mailgun e-mails. 3 A. I'm looking right now. 4 Q. We don't have a lot of time. If you can 5 just do that after. 6 A. Go ahead. 7 Q. Besides these two e-mails, do you use any 8 other e-mails? 9 A. No. 10 Q. Did you use any other e-mails from 2013 to 11 present? 12 A. No. 13 Q. So it's just Justin@Blueflameemail.com and 14 BlueflameWeb@gmail.com? 15 A. Related to business, yeah. 16 Q. And so you have other personal e-mail 17 addresses? 18 A. Personally. I have nothing business 19 related. 20 Q. Is it possible that you would have received 21 e-mail that went into your business there? 22 A. Those are not on the gmail. I don't keep 23 it on my main platform. 24 Q. I'm going to show you what's been marked as</p>	<p style="text-align: right;">Page 111</p> <p>1 A. If that's what that says, yeah. I mean I 2 don't know what this is regarding or what, but, 3 yeah. 4 Q. So he's responding to requests for 5 information about SnappyAutoInsurance, and he says, 6 "We took this site off line about four months ago," 7 but your testimony is that you have no knowledge of 8 that whatsoever; is that accurate? 9 A. Yeah. It's not my site. 10 Q. So he never spoke to you about this? 11 A. No. 12 Q. And the "we" in that sentence is not 13 referring to you; is that accurate? 14 A. I don't even -- I'm not on this e-mail, so, 15 yeah. I don't know what this is. 16 Q. You testified earlier you thought he sold 17 Offervision and including SnappyAutoInsurance.com; 18 is that right? 19 A. Correct. 20 Q. Do you know why he would be taking this 21 site off line in 2020 if he doesn't own it anymore? 22 A. It's possible he was still hosting it. I'm 23 not sure. 24 Q. Do you have any personal knowledge of that?</p>
<p style="text-align: right;">Page 110</p> <p>1 Exhibit 11. Can you see that? 2 A. Yup. 3 Q. So these are e-mails -- This is Exhibit 11. 4 These are e-mails between Adam Brown and plaintiffs' 5 attorneys in this case. And I'm looking at -- 6 There's an e-mail from Adam Brown on June 30, 2020, 7 and he says, "We took this sit," which I took to 8 mean site, "off line about four months ago, so we 9 should not have any problems anymore." Do you see 10 that? 11 A. Yup. 12 Q. Do you have any idea what he's talking 13 about here? 14 A. No. 15 Q. So you have knowledge that he took 16 SnappyAutoInsurance off line? 17 A. No. 18 Q. Did he ever talk to you about taking it off 19 line? 20 A. No. I just talked to him about the site, 21 and he said he doesn't know what the deal was with 22 it. He was going to look. So, no. 23 Q. Is this the first time you're hearing that 24 he took the site off line?</p>	<p style="text-align: right;">Page 112</p> <p>1 A. No. 2 Q. Did Mr. Brown talk to you about this 3 e-mail? 4 A. No. 5 Q. Has he ever told you about conversations he 6 had with plaintiffs' attorneys? 7 A. Yes. 8 Q. What did he say? 9 A. Basically that you guys were asking about 10 the site, the same stuff that we talked about, and 11 that he was looking into it, and that he thought he 12 might have sold it. That's really it. If he wrote 13 it, he's taking it down, I don't know. Maybe he was 14 still hosting it and didn't have control. I don't 15 know. You'd have to ask him. 16 Q. But he never mentioned that to you? 17 A. No. 18 Q. I'm going to show you what has been marked 19 as Exhibit 12. Can you see that okay? 20 A. Yup. 21 Q. Okay. Can you see that all right? 22 A. Yes. 23 Q. I'm looking at an e-mail you sent on May 24 8th to the plaintiffs' attorneys in this case. Do</p>

<p style="text-align: right;">Page 113</p> <p>1 you see the beginning of that e-mail?</p> <p>2 A. Yes.</p> <p>3 Q. So I'm just going to ask you about the 4 closing line here. It says, "Looking in further at 5 that time, I thought I owned this site. I don't 6 even own it." Do you see that?</p> <p>7 A. Correct.</p> <p>8 Q. When you said you thought you owned this 9 site, what did you mean by that?</p> <p>10 A. Well, by then -- by all the stuff I'm 11 getting, I thought I owned this website. And that's 12 when I looked through. And I don't even own it, 13 because I thought I was getting subpoenaed for 14 something and I was telling you I don't own the 15 site.</p> <p>16 Q. And that was after you looked at -- you 17 think you looked at the GoDaddy site to see if you 18 own it?</p> <p>19 A. Probably, yeah.</p> <p>20 Q. But you don't know one way or the other 21 sitting here if you did that; is that accurate?</p> <p>22 A. Yeah, I don't know. All I know is I looked 23 to see if I owned the website and I didn't, and 24 that's what I replied back.</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. And I think you testified Mr. Brown has not 2 mentioned who he sold Offervision to?</p> <p>3 A. I don't know. I forget. But that's a 4 phone. That -- That site doesn't even collect a zip 5 code. It doesn't even collect phone numbers. So 6 how does that even relate?</p> <p>7 Q. What website doesn't collect phone numbers?</p> <p>8 A. I'm saying the site you showed me, there's 9 no phone number thing and this is showing a phone 10 number, so how does it have the same data?</p> <p>11 Q. You mean the initial screen shot that we 12 looked at earlier?</p> <p>13 A. Yes.</p> <p>14 Q. Let's go back and look at that, then.</p> <p>15 A. It had a phone number on there, but it 16 didn't collect anyone's phone number, from what I 17 saw.</p> <p>18 Q. I'm showing you what was previously marked 19 as Exhibit 3. So you're talking about this web 20 form?</p> <p>21 A. Yeah. What's the next page of it? Because 22 I don't even see anything that asks for someone's 23 phone number.</p> <p>24 Q. You don't see it on this page, but, again,</p>
<p style="text-align: right;">Page 114</p> <p>1 Q. So, at that time, you had no memory of 2 whether you owned it?</p> <p>3 A. No.</p> <p>4 Q. I'm going to show you what's been marked as 5 Exhibit 13. Can you see that?</p> <p>6 A. Uh-huh.</p> <p>7 Q. So this is an e-mail that was produced by 8 George Rios. It's an e-mail from Dario Osmancevic 9 with FenixLeads.com to George Rios. And I think you 10 said you've never heard of someone named Dario 11 Osmancevic?</p> <p>12 A. Yeah, I have no clue who that is.</p> <p>13 Q. And have you ever heard of FenixLeads?</p> <p>14 A. No.</p> <p>15 Q. And do you know someone named George Rios?</p> <p>16 A. No clue.</p> <p>17 Q. So Mr. Osmancevic was providing lead 18 information for the lead at issue in this case, and 19 this is what he provided. Have you seen any of this 20 information before?</p> <p>21 A. No.</p> <p>22 Q. And do you know why he's describing Adam 23 Brown as the owner of the site?</p> <p>24 A. No clue. I don't know who this is.</p>	<p style="text-align: right;">Page 116</p> <p>1 you said you testified you've never seen this page 2 before, correct? You have no memory of it?</p> <p>3 A. Correct, but I'm saying if there's odd 4 information, where is it being filled, because I 5 don't see anything here that shows that.</p> <p>6 Q. You told me you've built websites before. 7 Is it possible that you entered your zip code here 8 and then you provided more information on the next 9 page?</p> <p>10 A. Yeah. I don't know about Adam, but I know 11 the majority of all our sites that we've done 12 together or that I built or he built doesn't even 13 collect a phone number. Most people just want the 14 e-mail address.</p> <p>15 Q. So the majority of sites you've built, you 16 wouldn't be collecting phone numbers?</p> <p>17 A. Correct.</p> <p>18 Q. And that's also true of Adam Brown?</p> <p>19 A. From what I know, yeah.</p> <p>20 Q. And do you have any specific memory of if 21 SnappyAutoInsurance collected phone numbers?</p> <p>22 A. Not at all, but based on this, I don't 23 think it would because it's telling you to call a 24 phone number and it's asking for a zip code.</p>

<p style="text-align: right;">Page 117</p> <p>1 Q. But I think I just asked you that it's 2 possible that there's a second page where you enter 3 additional information; is that right?</p> <p>4 A. That's possible, sure. I don't own the 5 site.</p> <p>6 Q. And would you typically collect the 7 consumer's name?</p> <p>8 A. Yeah. Name and e-mail address is typically 9 what gets collected on the next page.</p> <p>10 Q. So is it fair to say there is a second page 11 for this website where that information is 12 collected?</p> <p>13 MR. BRODERICK: Objection.</p> <p>14 A. It's possible. Or it's an iframe. Like 15 All Web Leads and stuff you entered before, they 16 provide a form for you and they just place it right 17 there and so you never even see that data. So 18 you -- There's many ways -- You don't build websites 19 and never even see the data. You can do it that way 20 too. If there's a form on there for one of the 21 companies, you'll never even see that data. You're 22 just hosting the site. There's many different ways 23 it can be collected. I don't know. It's not my 24 site.</p>	<p style="text-align: right;">Page 119</p> <p>1 Q. How many of your websites did you run that 2 way?</p> <p>3 A. Throughout the years, a lot on and off. I 4 don't know. All companies come and go that do that 5 stuff. I don't even know if they still do it.</p> <p>6 Q. Do you have an account with All Web Leads?</p> <p>7 A. I might have at some point. Not that I am 8 aware of. I don't even know if they're still 9 around.</p> <p>10 Q. If All Web Leads was used for this website, 11 how we would find that out?</p> <p>12 A. You would have to ask the owner of the 13 site. I don't know.</p> <p>14 Q. I'm going to show you what's been marked as 15 Exhibit 14. Can you see that all right?</p> <p>16 A. Yup.</p> <p>17 Q. All right. So this is an e-mail that was 18 sent -- provided to us by George Rios of Plural 19 Marketing, and there's an e-mail sent by Dario 20 Osmancevic to George Rios on July 28, 2020. And 21 Mr. Osmancevic says he's providing a screen shot of 22 SnappyAutoInsurance form, and he says, "I can most 23 certainly say that Joe Mantha has signed up on our 24 website and filled up the application in full by</p>
<p style="text-align: right;">Page 118</p> <p>1 Q. Tell me a little more about that. You said 2 if All Web Leads were involved, there's a way you 3 can never see the data?</p> <p>4 A. It will go directly to All Web Leads. You 5 would put their form. Right where it says enter zip 6 code, it wouldn't be your website's form. They 7 integrate their forms onto people's websites. So if 8 you filled it out, it would just go right directly 9 to All Web Leads and they would go sell that lead to 10 whoever they would sell it to and just pay you for 11 that lead.</p> <p>12 Q. And how would you know from looking at a 13 web form if that was the case?</p> <p>14 A. You need to look at the back code and see 15 if All Web Leads is integrated into it.</p> <p>16 Q. So we wouldn't be able to tell by looking 17 at this; is that correct?</p> <p>18 A. No. You need the code on the back of that.</p> <p>19 Q. So, practically speaking, how would that 20 happen? When a consumer goes to enter their zip 21 code, would something else pop up?</p> <p>22 A. Yeah, probably pop up or redirect it to an 23 All Web Leads form or whatever company they're 24 using.</p>	<p style="text-align: right;">Page 120</p> <p>1 himself." And then he also calls himself the 2 webmaster. Do you see that?</p> <p>3 A. Yes. No clue who that is.</p> <p>4 Q. Have you ever seen this e-mail before?</p> <p>5 A. Nope.</p> <p>6 Q. Are you surprised to learn that this person 7 is calling himself the webmaster of 8 SnappyAutoInsurance?</p> <p>9 A. I'm not surprised because I don't know what 10 the site is. I don't know who owns it now or what. 11 Obviously someone is still managing the site.</p> <p>12 Q. And is it possible that Mr. Brown sold the 13 website to this person, Dario Osmancevic?</p> <p>14 A. Could have. You'd have to ask him. But I 15 mean that pretty much gives you right there, that's 16 the person you should be asking questions, someone 17 writing back.</p> <p>18 Q. Have you ever provided any information on 19 the website to Fenix Media?</p> <p>20 A. I've never heard of this person or this 21 company.</p> <p>22 Q. You testified that you think the website 23 was sold. Has anyone ever reached out to you for 24 information or documents that you have?</p>

<p style="text-align: right;">Page 121</p> <p>1 A. No.</p> <p>2 Q. If a website is sold and assuming that you 3 had some part in building it, is that normal that 4 they wouldn't reach out to you?</p> <p>5 MR. BRODERICK: Objection.</p> <p>6 A. Yeah. They don't always have to reach out. 7 They can just -- If their website -- It depends what 8 they're using it for. People just buy websites. 9 They don't always need the past -- They don't always 10 want the data from the past. They don't need it.</p> <p>11 Q. Have you been involved in the selling of 12 lead aggregation websites?</p> <p>13 A. No.</p> <p>14 Q. So you've never bought or sold one?</p> <p>15 A. No. I just build them. No.</p> <p>16 Q. Do you know if that happens in the 17 industry?</p> <p>18 A. Yes, all the time.</p> <p>19 Q. And, if that happens, it's fair to say 20 there would be a contract relating to it?</p> <p>21 A. I don't know. It depends on what -- 22 whoever made the deal. Couldn't tell you.</p> <p>23 Q. Okay. Now we're going to look at what's 24 been marked as Exhibit 1. Do you see that all</p>	<p style="text-align: right;">Page 123</p> <p>1 A. I haven't talked to anyone about this 2 lawsuit on e-mail.</p> <p>3 Q. But you have talked to Attorney --</p> <p>4 A. Not anyone in this thing, I should say.</p> <p>5 Q. Number five, any and all communications 6 between you and Fenix Media Solutions concerning the 7 subject matter of this lawsuit. Do you see that?</p> <p>8 A. Yeah. Never heard of them.</p> <p>9 Q. So you've never had any e-mails or texts 10 with them?</p> <p>11 A. No.</p> <p>12 Q. Going down to number nine, any and all 13 communications with any third party concerning this 14 lawsuit. Is there any other person you've 15 communicated by e-mail or by text or in any other 16 written form concerning this lawsuit?</p> <p>17 A. No. Just my wife.</p> <p>18 Q. And what have you told her about the 19 lawsuit?</p> <p>20 A. I just asked what I should do. That's 21 about it.</p> <p>22 Q. And is she your attorney with respect to 23 this case?</p> <p>24 A. No. Just an opinion.</p>
<p style="text-align: right;">Page 122</p> <p>1 right?</p> <p>2 A. Yup.</p> <p>3 Q. This is the subpoena to you in this case. 4 And we're going to look at some of the document 5 requests. Number three is any and all 6 communications between you and Adam Brown concerning 7 the subject matter of this lawsuit. Do you see 8 that?</p> <p>9 A. Yes.</p> <p>10 Q. Did you search your files for these 11 documents?</p> <p>12 A. Yeah. I don't have any communications. I 13 think I've spoken to him on the phone or in person.</p> <p>14 Q. So you don't have any text messages between 15 you and Mr. Brown in this case?</p> <p>16 A. No.</p> <p>17 Q. Or about Snappy?</p> <p>18 A. No, definitely not about Snappy.</p> <p>19 Q. What about e-mails?</p> <p>20 A. No, not about this. Only the ones we were 21 cc'd on.</p> <p>22 Q. What about number four, any and all 23 communications between you and Seal Dog Media 24 concerning the subject matter of this lawsuit?</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. And were you asking about how to comply 2 with the subpoena?</p> <p>3 A. In general what -- you know, because I 4 really don't have involvement with this site, so 5 it's just kind of a lot of time wasted for something 6 I can't give you answers for.</p> <p>7 Q. And did you tell her that you had a role in 8 building the website?</p> <p>9 A. Yeah, but it doesn't -- Like everyone's 10 told me, it doesn't -- I don't have anything if I 11 don't -- It doesn't matter. I don't know.</p> <p>12 Something from eight, ten years ago that I don't 13 have any -- I don't know. I don't have any 14 information, so --</p> <p>15 Q. Looking at number 12, any and all documents 16 that relate to whether, when, why the website was 17 taken out of service or off line in 2020. Do you 18 see that?</p> <p>19 A. Yes. Don't have anything.</p> <p>20 Q. So that includes e-mails, texts, and any 21 other written communications?</p> <p>22 A. Yes.</p> <p>23 Q. Number 11, any and all documents in your 24 possession that evidence or relate to a lead request</p>

<p style="text-align: right;">Page 125</p> <p>1 for auto insurance created on 2 SnappyAutoInsurance.com in 2019 for or by Joe or 3 Joseph Mantha. Do you see that? 4 A. Yup. 5 Q. And besides searching your e-mails, the two 6 e-mails we discussed -- Strike that. When you 7 searched your e-mails, how did you search, just by 8 SnappyAutoInsurance or by other terms? 9 A. SnappyAuto. Snappy -- I don't know. I 10 just looked through the site, just however I read 11 it. You drop the domain name and the subject line. 12 There's nothing there. 13 Q. Did you search for the plaintiff's name? 14 A. Well, when I first got this, yeah, but 15 that's not even on our database. 16 Q. I'm just asking, did you search your 17 e-mails for that name? 18 A. Not my e-mail because I don't even know who 19 that is. I never had correspondence with that 20 person. 21 Q. Besides searching your e-mails and I think 22 you said you might have logged on to GoDaddy.com, 23 what other steps did you take to look for the 24 documents?</p>	<p style="text-align: right;">Page 127</p> <p>1 language on your websites? 2 A. Of course. They're standard and whatever 3 else needs to be added. Any site I have, just plug 4 your phone number, which many don't. There's TCBA 5 language that's usually provided by the person 6 buying the leads. 7 Q. And if there's not a client in place on the 8 website's bill, who's coming up with that language? 9 A. It's probably not on there until it starts 10 to get traffic. 11 Q. So you testified earlier that sometimes you 12 build the website and then you generate leads to 13 sell; is that accurate? 14 A. Yes. So then it will be on there. But if 15 the website's built and there's no leads being 16 generated, it doesn't go on there until there's a 17 reason to go on there. If it was generating leads, 18 it means there's someone buying them on the back 19 end, so I would get it from whoever I'm selling them 20 to. 21 Q. By the time you sell your first lead, that 22 language would be on the website, correct? 23 A. It might or it might not be. The website 24 might be built just for the display just to show the</p>
<p style="text-align: right;">Page 126</p> <p>1 A. That's it. And I just don't have -- I 2 didn't know where else it would be. 3 Q. We mentioned Offervision earlier. Is the 4 full name Offervision, one word, Media, LLC? 5 A. I don't know how it's properly pronounced 6 or -- Offervision, I know that, but I don't know how 7 legally it is. 8 Q. Do you know if SnappyAutoInsurance was 9 generating leads in 2019? 10 A. I have no clue. 11 Q. So you have no personal knowledge about 12 that? 13 A. No. And I have no clue who this Fenix 14 Media is. So I don't know. I'm not involved with 15 it. 16 Q. For the websites you have built, who came 17 up with the opt-in language? 18 A. Usually it comes from leads, from the 19 people buying the leads or a company or someone's 20 general counsel. 21 Q. Do you know if there's an attorney 22 associated with SnappyAutoInsurance.com? 23 A. No clue. 24 Q. And do you have standard TCBA consent</p>	<p style="text-align: right;">Page 128</p> <p>1 people, and then once we get someone to commit to 2 any traffic, then we will add it and make the form 3 work. If the website is up without it, then most 4 likely the form would not work. It wouldn't go 5 anywhere. 6 Q. So what I take from your testimony is 7 typically the TCBA consent language is driven by the 8 client who's buying the leads; is that accurate? 9 A. Accurate, yes, because they need their name 10 and who's calling, et cetera, on the site to make it 11 compliant, from what I know, so -- 12 Q. Have you ever heard of a company called 13 Jornaya or Lead Intelligence, Inc.? 14 A. Yes. Jornaya is a big company. 15 Q. Do you use Jornaya on your lead aggregation 16 websites? 17 A. I just started to recently. I know more 18 people are moving towards it, but that started 19 within the past few months. That's a new thing 20 we've been using. 21 Q. Do you know if you were using it back in 22 the 2013 time frame? 23 A. Definitely not. Just started using it a 24 few months ago.</p>

<p style="text-align: center;">Page 129</p> <p>1 Q. For any lead aggregation websites that 2 you've built, how do you authenticate consumer 3 information, the leads?</p> <p>4 MR. BRODERICK: Objection.</p> <p>5 A. It depends. Every site is different.</p> <p>6 Sometimes the user does it. His company is out 7 there. It really depends. For this site, I have no 8 clue how they do it.</p> <p>9 Q. When you say the user does it, you mean 10 that there's some type of verification on the --</p> <p>11 A. Like Xverify or there's companies out there 12 that you can pay monthly for it to verify if it's 13 real information.</p> <p>14 Q. Can you give me an idea of some of the 15 companies that provide that type of service that 16 you've used?</p> <p>17 A. Xverify. That's the only one I've used.</p> <p>18 Q. Okay. Do you pay a monthly fee?</p> <p>19 A. Yes. I've done it before but just to test 20 it, but it's expensive. Not everyone does it.</p> <p>21 Q. Do you know if GoDaddy offers any type of 22 verification services?</p> <p>23 A. Not that I know of.</p> <p>24 Q. Have you ever heard of a company called</p>	<p style="text-align: center;">Page 131</p> <p>1 A. No.</p> <p>2 Q. For your lead aggregation websites that 3 you've built, have you built any for auto insurance?</p> <p>4 A. Probably at some point.</p> <p>5 Q. Excepting SnappyAutoInsurance, which is 6 your testimony you don't recall, do you recall 7 building any other auto insurance websites?</p> <p>8 A. I've ran sites. I don't know -- I'm not 9 running any now. I don't know. Throughout my 10 years, I've probably built them. I build sites all 11 the time but nothing currently.</p> <p>12 Q. And when you say you've run websites, what 13 do you mean by that?</p> <p>14 A. Drove traffic to them.</p> <p>15 Q. Have you ever had anything to do on the 16 lead side in terms of buying and selling leads?</p> <p>17 A. Yeah, sure.</p> <p>18 Q. What about with auto insurance websites?</p> <p>19 A. Yeah. I've bought and sold leads but 20 not -- not recently.</p> <p>21 Q. Do you recall any of the websites' names?</p> <p>22 A. No.</p> <p>23 Q. I'm going to show you what's been marked as 24 Exhibit 16. Can you see that clearly?</p>
<p style="text-align: center;">Page 130</p> <p>1 RevPoint?</p> <p>2 A. RevPoint, no.</p> <p>3 Q. What about Request Path Media?</p> <p>4 A. No.</p> <p>5 Q. Have you heard of a website called 6 Unitedquotes.com?</p> <p>7 A. No, I have not.</p> <p>8 Q. What about Autoinsurequotes.com?</p> <p>9 A. No.</p> <p>10 Q. Are any of the Snappy websites still 11 operational?</p> <p>12 A. I have no clue.</p> <p>13 Q. Do you know if any leads were ever sold 14 from SnappyAutoInsurance.com?</p> <p>15 A. No, I don't know.</p> <p>16 Q. Would that be anywhere in your records?</p> <p>17 A. They're not, no, because I looked through 18 them. I don't see anything related to the site.</p> <p>19 Q. I'm going to show you what's been 20 pre-marked as Exhibit 15. So this is a subpoena 21 response that was received from Plural Marketing.</p> <p>22 And this is the information they provided about 23 Joseph Mantha's lead. Have you ever seen any of 24 this information before?</p>	<p style="text-align: center;">Page 132</p> <p>1 A. Now I can.</p> <p>2 Q. So this is a subpoena response that was 3 received from RevPoint Media in this case. Have you 4 ever seen any of this information before?</p> <p>5 A. No.</p> <p>6 Q. Did you have enough time to look through 7 it?</p> <p>8 A. Yeah. I don't have any -- I don't even -- 9 I don't know it, once again, and I don't deal 10 directly with RevPoint Media, so I don't know.</p> <p>11 Q. Have you ever seen that address in the top 12 left corner?</p> <p>13 A. No.</p> <p>14 Q. What about the phone number?</p> <p>15 A. No.</p> <p>16 Q. What about the e-mail?</p> <p>17 A. No.</p> <p>18 Q. Do you recognize that IP address?</p> <p>19 A. No.</p> <p>20 Q. And your testimony is that you did not 21 enter this information on SnappyAutoInsurance.com; 22 is that correct?</p> <p>23 A. Correct.</p> <p>24 Q. And you have no way of knowing or knowledge</p>

<p style="text-align: right;">Page 133</p> <p>1 of whether someone did?</p> <p>2 A. No.</p> <p>3 Q. Just give me a moment. I only have a few</p> <p>4 more questions for you. When you spoke to Adam</p> <p>5 Brown about this case, did he mention your</p> <p>6 involvement in it?</p> <p>7 A. No. He said -- He said similar to me, "I</p> <p>8 don't remember. I've got to look into it." And</p> <p>9 then he thought it might have been sold. We didn't</p> <p>10 really discuss much more. Neither one of us from my</p> <p>11 knowledge has any information on the site. And he</p> <p>12 didn't have anything on his servers and I didn't</p> <p>13 have any on mine, so I don't know.</p> <p>14 Q. Did you mention that Blueflame's name is on</p> <p>15 the privacy policy?</p> <p>16 A. Yeah.</p> <p>17 Q. What did he say?</p> <p>18 A. "That's weird."</p> <p>19 Q. So he didn't know why Blueflame's name was</p> <p>20 on there?</p> <p>21 A. No. Like I said, this probably happened --</p> <p>22 probably pulled it from a different site and whoever</p> <p>23 was building it didn't do a find and replace,</p> <p>24 because most people don't put their company name on</p>	<p style="text-align: right;">Page 135</p> <p>1 I mean I didn't -- especially back then. I don't</p> <p>2 know.</p> <p>3 Q. And it's your testimony you don't remember</p> <p>4 paying for the Mailgun services in 2017?</p> <p>5 A. I've seen the two charges and I'm curious</p> <p>6 now what they are for and how they relate to this</p> <p>7 site, because in the e-mails, when I look on</p> <p>8 Mailgun, I do see what you showed me and I do see my</p> <p>9 credit card expired, but it does not show me any</p> <p>10 website name or anything. It shows me two different</p> <p>11 \$5 charges and change, but I don't know what they're</p> <p>12 for or what they're related to. So I don't know if</p> <p>13 e-mail would provide you more information on how</p> <p>14 it's related to the site. It doesn't even have a</p> <p>15 website name in the e-mails which I'll send to</p> <p>16 forward.</p> <p>17 Q. We'd appreciate that.</p> <p>18 MS. KINGSTON: So those are all the</p> <p>19 questions that I have. We do have the Blueflame</p> <p>20 keeper of the records deposition at 2. I don't</p> <p>21 expect that to take long. And by process of</p> <p>22 elimination, I assume that you're keeper of the</p> <p>23 records?</p> <p>24 THE WITNESS: Yup.</p>
<p style="text-align: right;">Page 134</p> <p>1 there if they are providing affiliates because that</p> <p>2 would take out the middle man.</p> <p>3 Q. Did he admit to you that he ran this</p> <p>4 website?</p> <p>5 A. He said he didn't remember, that he's going</p> <p>6 to look into it, the same thing I said.</p> <p>7 Q. And when was that conversation?</p> <p>8 A. When we first started getting information</p> <p>9 about this site.</p> <p>10 Q. And did he ever follow up with you after he</p> <p>11 said he'd check?</p> <p>12 A. Just that you guys sent him stuff and I</p> <p>13 said they're sending me stuff too. I don't know</p> <p>14 what to tell you guys. I don't have any</p> <p>15 information. It hasn't been talked about too much</p> <p>16 because we don't have anything to really give you.</p> <p>17 Q. You've mentioned affiliates. Were there</p> <p>18 certain affiliates you were working with in 2013?</p> <p>19 A. I couldn't even tell you. We've worked</p> <p>20 with hundreds and hundreds of affiliates throughout</p> <p>21 the years. I wouldn't be able to tell you.</p> <p>22 Q. Let me narrow that down. What about</p> <p>23 related to auto insurance?</p> <p>24 A. I couldn't tell you. I don't recall any.</p>	<p style="text-align: right;">Page 136</p> <p>1 (Discussion off the record.)</p> <p>2 MS. KINGSTON: Mr. Cohen, so those are</p> <p>3 all the questions we have for you. I would request</p> <p>4 that you send me the Mailgun e-mails that we spoke</p> <p>5 about earlier.</p> <p>6 THE WITNESS: Okay.</p> <p>7 MS. KINGSTON: I'd also request if --</p> <p>8 You couldn't recall if you had gone on to GoDaddy.</p> <p>9 I just request that you do that just to see in case</p> <p>10 you haven't and just get back to me if you see</p> <p>11 anything about Snappy.</p> <p>12 THE WITNESS: I did go on GoDaddy. I</p> <p>13 didn't see the site.</p> <p>14 MS. KINGSTON: Earlier you weren't</p> <p>15 sure if you did, but now you're saying --</p> <p>16 THE WITNESS: I wasn't sure -- I don't</p> <p>17 know what I said. I'm just saying I went into my</p> <p>18 accounts. I didn't see the site. I don't have the</p> <p>19 site. I mean it's clearly not registered to me. I</p> <p>20 see it in your thing, so I don't know what I'm</p> <p>21 looking for.</p> <p>22 MS. KINGSTON: So having heard that</p> <p>23 you went into that, that's fine. So we'll just ask</p> <p>24 for the Mailgun e-mails. So we are all set. We can</p>

Page 137

1 conclude this deposition.
 2 (Whereupon the deposition
 3 was concluded at 1:48 p.m.)
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Page 139

1 COMMONWEALTH OF MASSACHUSETTS
 2 SUFFOLK, SS.
 3
 4 I, Karen A. Interbartolo, Registered
 5 Professional Reporter and Notary Public in and for
 6 the Commonwealth of Massachusetts, do hereby certify
 7 that JUSTIN COHEN, the witness whose deposition is
 8 hereinbefore set forth, was duly sworn by me and
 9 that such deposition is a true record of the
 10 testimony given by the witness.
 11
 12 I further certify that I am neither related to
 13 nor employed by any of the parties in or counsel to
 14 this action, nor am I financially interested in the
 15 outcome of this action.
 16
 17 In witness whereof, I have hereunto set my hand
 18 and seal this 4th day of October, 2020.
 19
 20 
 21
 22 Notary Public
 23 My commission expires
 24 February 20, 2026

Page 138

1 CERTIFICATE
 2
 3 I, JUSTIN COHEN, do hereby certify that I have
 4 read the foregoing transcript of my testimony, and
 5 further certify that said transcript is a true and
 6 accurate record of said testimony with the exception
 7 of the following corrections listed below:

8 Page	Line	Correction/Reason
9	_____	_____
10	_____	_____
11	_____	_____
12	_____	_____
13	_____	_____
14	_____	_____
15	_____	_____
16	_____	_____
17	_____	_____
18	_____	_____
19		

20 Signed under the pains and penalties of perjury
 21 this _____ day of _____, 2020.

22
 23 _____
 24 JUSTIN COHEN

Exhibits	Pre-Marked Exhibit 1 (Cohen Subpoena) 3:12 5:3 121:24	4:13 130:20	12	134:18
	Pre-Marked Exhibit 2 (BlueFlame KO R Subpoena) 3:13	40:6 54:14	2014	50:4 60:18
	Pre-Marked Exhibit 3 (Snappy Lead Page Screenshot) 3:15 75:10,14 115:19	112:19 124:15	2015	11:3 16:4 54:12 60:13 67:20
	Pre-Marked Exhibit 4 (Snappy Screen shot Terms of Use) 3:17 78:5,7	13	2016	59:18 60:18 92:10
	Pre-Marked Exhibit 5 (Snappy Screen shot Privacy Policy) 3:19 79:1,3	114:5	2017	70:21 85:5,9 86:21 89:18
	Pre-Marked Exhibit 6 (Mailgun Technologies Subpoena) 3:21 82:5	14	2018	135:4
	Pre-Marked Exhibit 7 (Mailgun Technologies Subpoena Response) 3:23 82:20 83:3	40:7 119:15	2019	59:18 60:18 92:10
	Pre-Marked Exhibit 8 (Mailgun Technologies Subpoena Response E-mail Chain) 4:4 89:2	15	2020	8:12 78:9 79:5 85:5 87:2
	Pre-Marked Exhibit 9 (Subpoena to GoDaddy) 4:5 90:9	50:4 130:20		16:5,9 42:1 75:16 104:23 105:13 125:2
	Pre-Marked Exhibit 10 (GoDaddy Sub poena Respons e) 4:6 93:7 95:10	16		126:9
	Pre-Marked Exhibit 11 (Adam Brown E-Mail Chain) 4:8 110:1,3	\$ 5:3 86:24		16:7 93:24 103:10 110:6 111:21 119:20
	Pre-Marked Exhibit 12 (Justin Cohen E-mail Chain) 4:10 112:19	42:9		124:17
	Pre-Marked Exhibit 13 (Sep. 2019 Email fr om Dario Osm ancevic) 4:11 114:5	10	21766	60:1
	Pre-Marked Exhibit 14 (July 28, 2020 Email fr om Dario Osm ancevic) 4:12 119:15	\$1,000 29:7 30:21	24	93:8,24 95:15
	Pre-Marked Exhibit 15 (Plural Marketi ng Subpoena Response) 5:3 75:7 98:1, 13,14,16 99:5, 7,11 121:24	41:8 48:3,6	28	119:20
		83:13		101:1
		11	2:35	101:3
		48:6	2:38	2nd
		12		100:21
		40:22 48:3		
		15		
		40:22		
		2		
		135:20		
		20	2001	
		22:6		
		50		
		29:7		
		500		
		29:7 85:9 86:3		
		135:11		
		2000		
		54:17 62:10		
		65:11		
		2005		
		54:17 65:12		
		28:18 40:11		
		50:12 55:4		
		2006		
		60:7 61:17		
		2007		
		60:6 92:10		
		2008		
		24:10 45:14		
		50:12 52:4		
		91:20,22		
		2012		
		54:12		
		1003		
		83:23		
		1099		
		51:24 52:1		
		2013		
		43:18 70:12		
		11		
		71:10,16 93:8		
		95:15 97:1		
		109:10 128:22		
		33428		
		60:1		

33498	ability	56:19 57:12 58:20 61:7,11,	Advance	ahead
89:8		62:7,23	49:24	109:6
4	access	64:5 65:12 68:15,18	advertising	America
4		74:16,19 80:7, 80:17	32:5	50:1
78:5,7	accessed	23 91:10,12 95:14 96:3,24	advice	American
5		97:15 99:15 102:4 103:9,	17:21 20:6 37:17	83:22 84:3
5	accommodate	23 104:3,13 105:2 106:8,	affect	amount
61:18 79:1,3		11 110:4,6 114:22	7:15,18	24:6 41:12 83:13 85:9
50	account	116:10,18 122:6 133:4	affiliate	Ann
11:22 30:11		91:23 94:6 119:6	10:5 34:4,5,8, 11 35:20	53:15 60:10
500	accounts	122:6 133:4 32:24 107:12	37:12 41:14 42:3 46:12,20	announcing
50:1		136:18 57:8 101:5	47:4,6,13,24 48:7 50:7	15:6
561-573-9083		Adam's	55:16 57:21 80:14	answers
84:12		57:8 101:5 adamb1140@		6:14 13:2 124:6
6	accurate	gmail	affiliated	anymore
6		8:24	36:11,13,14, 18 39:4 46:8	8:14 10:15,16 15:21 16:23
75:16 82:5		Adamb11480	48:19 56:21, 23 62:20	17:1 41:6 110:9 111:21
7		@gmail.com	affiliates	anyone's
68:14 82:20		101:3	34:9,14 37:10 40:23 48:14, 93:6	105:12,14 115:16
83:3	accurately	Adamb11480	154:1 54:6 134:1,17,18, 20	apartment
8		@gmail.com.	24:6	65:3,13,14
8	accused	add	agent	API
89:2		128:2	43:12,20 44:5	44:14
888		added	application	APIS
78:1		48:10 127:3	43:12,20 44:5	119:24
8th	acquisition	addition	approximate	119:24
112:24		62:13 109:2	73:15	approximately
9	active	additional	55:3 60:18	55:3 60:18
9	22:6,9,11 23:8	53:11 117:3	April	
90:9	32:23 45:16	address	49:12	
90	46:7 51:18	59:6,21 60:19	Arbor	
53:4	94:2,5,9,14	64:15,17	64:16,20	
9691	actual	67:21 68:9	80:18	
64:15 80:18	68:12	80:18 81:2	area	
A	ad	83:8 84:8,9, 17,18,24 92:7,	23:6 33:14	
abide		8,22 108:20	article	
34:6		116:14 117:8	15:4	
abiding	Adam	132:11,18	asks	
29:19	8:8 9:1,18	65:14 81:4	115:22	
	10:2 11:6,15,	109:17	assigned	
	17,24 13:17,	admit	56:18	
	23 15:9,14	134:3	assume	
	17:7,10 34:8	ads	6:11 28:22	
	38:10 42:13	25:10 26:11	31:11 48:17	
	43:10 45:5,7	50:18		
	46:15,21,24			
	47:2 53:19			
	54:3 55:13			

135:22 assuming 58:19 121:2 assumption 39:19 attached 90:21 attorney 17:15 82:6 123:3,22 126:21 attorneys 17:16,20 18:18,22 19:1, 9 89:3,5 90:12 105:7 110:5 112:6,24 attorneys' 17:18 audible 6:14 August 78:9 79:4 authenticate 129:2 auto 11:8,20,22 23:7,10,13 25:14,16 26:4, 9 29:4 35:5 58:8 70:7 76:18 97:3 125:1 131:3,7, 18 134:23 Autoinsurance .com 97:10 Autoinsurequo tes.com 130:8 automatically 96:23 97:4 aware 20:9,17 56:20 66:21 72:11, 21 73:22 103:10,14 104:20,23 119:8	B back 37:21,24 40:1, 16,24 41:4,14 43:9 44:24 45:12 50:4,20 51:4 52:7,16 58:2 60:23 61:21 62:1 75:6 81:4 98:1,14 99:7, 10,13 101:11, 13 109:1 113:24 115:14 118:14,18 120:17 127:18 128:21 135:1 136:10 bad 74:7 banner 34:16,17 based 23:5,18 45:9 68:21 88:10 116:22 basic 6:6 77:14 basically 15:19 17:21 27:24 29:3 31:2 35:18 36:16 37:23 43:22 48:1,7 50:18 53:6 56:11 95:1 112:9 basing 91:15 Bear 60:1 beginning 19:14 52:23 53:13 73:7 74:16 113:1 believed 14:6 bell 65:21 66:2 Berger 18:12	bid 29:8,15,24 bidder 24:8 28:23 30:22 bidders 29:12 30:17 bids 29:6 big 26:2 30:12 128:14 bill 86:13 96:23 127:8 billable 89:18 billing 82:16 85:6 90:15 bills 87:1 88:15,16 bit 32:4 36:6 50:2 60:23 61:8,19 Blue 18:16 Blueflame 21:6,10,15,17, 24 22:22 45:12,13,19 46:2,8,11,12, 17,18,22 47:14,16,23 48:19 51:15, 22 53:10,19 55:8 64:8,10, 11 66:17 70:8 73:23 79:12, 15 135:19 Blueflame's 70:6 80:3 133:14,19 Blueflamelab @gmail.com 85:4 Blueflameweb @gmail.com 84:8 109:14 Blueflameweb @gmail.com. 108:19	Boca 59:5,21 60:1 browse 64:16 68:1 80:19 booked 13:22 bought 41:7 61:8,17 83:12 121:14 131:19 bounce 62:16 break 6:17 32:3 74:24 75:4 97:19,23 98:13 99:20 BRODERICK 5:8,15 30:2 31:10,22 33:23 34:3,22 35:11,16 36:2 37:5 64:9,13 71:22 72:6 76:10,13,15 78:11 90:19, 24 95:3 96:1,6 104:18 117:13 121:5 129:4 brought 45:24 52:2 Brown 8:8 11:15,17 13:17 15:9,15 16:16 17:10 45:5,7 47:2 53:19 54:3 62:8,23 64:5 74:19 80:7 87:20 91:10, 13 95:14 96:3, 24 97:15 99:15 100:20 102:4 103:9 104:3 105:2 106:8,11 110:4,6 112:2 114:23 115:1 116:18 120:12 122:6,15 133:5 Brown's 10:2 46:24	55:13 66:18 80:23 browse 13:11 browsed 13:2 build 9:11 23:5,20, 21,22 37:8,17 40:15,19 44:17,21 75:19 77:6,13 117:18 121:15 127:12 131:10 building 9:8 40:11 68:11 77:8 121:3 124:8 131:7 133:23 built 9:18 37:23 40:4,6,10 45:3 47:14 51:14 75:21 77:16 81:7 116:6,12, 15 126:16 127:15,24 129:2 131:3, 10 bunch 9:19 22:3 49:2 business 10:6 22:24 24:1 25:22 47:11,15 54:18,23 55:1 62:14,18,21 63:11,12 109:15,18,21 businesses 23:4 33:16 53:7 62:3,18 buy 25:1,2,4,9,10 26:21 28:8 29:9 30:13,20 55:23 56:11 60:5 63:4,16 69:6 83:15 96:20,21 107:10 121:8 buyers 42:10 50:20
---	--	--	--	---

buying	122:3,15 26:19 43:7 48:6 77:21 78:2 126:19 127:6,18 128:8 131:16	48:12 52:24 123:23 132:3 133:5 136:9	combined 53:3,4 clone 74:3 closed 89:16 closely 11:6,23 closing 113:4 Cloud 41:17,22,23 66:11,13	120:21 126:19 128:12,14 129:6,24 133:24 competitive 33:17 compiled 20:20 complete 98:21,22 99:6, 7 completely 7:9 compliant 128:11 comply 124:1 concerned 16:17 conclude 137:1 concluded 137:3 conditions 7:17 34:7 confirmed 16:20 confused 26:3 confusing 28:9 connected 25:24 connection 6:22 62:21 85:16 consent 126:24 128:7 consultant 49:7 53:20 54:4 63:7,10 consultants 52:2 consulting 21:8,18,22 22:24 32:2 51:12,16 consumer 24:2 35:9 118:20 129:2 consumer's 117:7
buys	84:15 93:1		common 74:1 communicated 123:15 communicatio ns	20:20
C	27:7 32:6 42:10 43:7 63:16 128:10		companies 11:8 21:7,9,23 23:3 26:9,23 28:4,7,10,12, 19 29:3 30:9, 20 42:7 45:15, 21 46:4,9 47:8 48:2,20,23 49:2,4 50:8 51:10 53:1,23, 24 55:24 62:24 67:18 69:23 77:1 80:11 117:21 119:4 129:11, 15 companies' 39:3 company 8:9,15 9:2,23 10:2,6 14:7,18 15:6 18:4,14 21:4,5 24:7 26:7 27:5,16, 22 28:6 29:15, 17 30:7,12 31:1,2 44:6,11 45:20 46:21, 23,24 47:9,14 49:5,11,16,18, 23 51:16,20 53:18 55:13, 15 57:8,17 62:5 79:19 80:1,2,12 82:6,9 83:10, 18 118:23	98:21,22 99:6, 7
call	27:10,11,22 77:23 88:14 97:23 102:20 116:23			compliant 128:11 comply 124:1 concerned 16:17 conclude 137:1 concluded 137:3 conditions 7:17 34:7 confirmed 16:20 confused 26:3 confusing 28:9 connected 25:24 connection 6:22 62:21 85:16 consent 126:24 128:7 consultant 49:7 53:20 54:4 63:7,10 consultants 52:2 consulting 21:8,18,22 22:24 32:2 51:12,16 consumer 24:2 35:9 118:20 129:2 consumer's 117:7
called	10:2 18:4,14 19:8 21:5 56:24 68:4,5, 7,8 82:6,9 102:15 128:12 129:24 130:5			
calling	28:1 120:7 128:10			
calls	19:3,6,13 98:18 99:6 120:1			
cancel	42:11 95:5,6 96:22			
captioning	8:13			
car	29:9			
card	83:8 84:1,4 85:6 87:2 88:18 89:8,11, 16 97:3 135:9			
cards	84:3			
Carolina	60:23			
case	6:3 18:17 20:4 41:5 72:8 89:4 98:24 100:11, 12 105:17 110:5 112:24 114:18 118:13			

contact	90:6 92:10,14 67:7 82:15 90:15 99:14, 17	curious	December	80:2 118:4,8 132:10
contacting	102:21 103:20	current	decent	Dirty
15:24	107:14 108:7, 8,10 111:19	59:24	43:16	101:2
contacts	113:7 116:2,3, 17 118:17	custom	decided	disagree
57:7	127:22	23:20	51:14 54:8	86:17 89:23
context	132:22,23	cut	defendant	discuss
34:12 69:16	correctly	80:15	6:3	18:17 100:8 133:10
contract	35:8	D	definition	discussed
27:1,3 29:16, 18,24 30:10	correspondenc	daily	29:1	125:6
31:8 48:18	e	13:23	delete	discussion
121:20	107:5 108:21	Dana	17:1	136:1
contracts	125:19	17:19 59:13	deleted	display
26:22 29:12, 13 48:16	cost	Dario	33:1,6 39:7	26:9 127:24
control	48:11	18:9 114:8,10 119:19 120:13	delivered	district
28:6 30:11	costs	data	12:24	82:24
39:7 72:18	21:22	38:21 42:11	department	document
112:14	counsel	55:17,21,22, 23 56:12	51:3	20:8,17 91:22 95:19,21
conversation	17:13 19:4	57:21 63:3,15	depending	122:4
14:10 15:11	126:20	66:11 115:10	depends	documents
102:12 134:7	couple	117:17,19,21	22:23 23:3	12:20,22 13:6
conversations	6:6 14:11,21	118:3 121:10	24:4,8,9 29:8	20:3,14,21
15:8,14 112:5	15:11 17:10	database	41:12 55:23	43:22 72:1,5
coordinate	40:5 42:5 48:5	125:15	96:23 121:7, 21 129:5,7	73:21 82:13
101:12	74:22	date	depo	90:13 91:15
copied	court	13:23 14:22	13:22	120:24 122:11
79:17,20	39:9 60:1	16:12 73:15	deposed	124:15,23
copies	82:24 98:24	93:7 98:23	7:20	125:24
85:12 86:7	cover	99:2	deposition	Dog
90:6 100:19	97:20	dates	7:23 12:13	55:10 56:5,14
copy	create	106:17	13:6,15 14:2	63:9 122:23
75:10 106:18	11:19,24 70:1	day	17:11 99:7,18, 19 100:2,8	dollars
corner	78:17 79:8,13	36:21 58:2	135:20 137:1, 2	33:17 40:24 48:5,11 84:22
132:12	105:17 106:8	94:12 98:4,10, 11,19 101:20	describe	88:17
correct	created	days	11:11 62:14	domain
8:18,19,20	45:19 73:7	5:12	describing	9:6,7,9 69:6,8, 13 70:10,15,
10:11 12:14	78:22 81:8	De	23 71:2 73:14	
13:7 19:2	91:13,23	59:15	description	91:13,23
20:18 21:11	92:19 93:11,	deal	58:16	92:19 94:4,8,
34:21 35:12	14 104:1	30:22 31:17	determined	10 96:13
36:24 37:1	105:3 125:1	42:14 51:4	12:8	103:9 107:8, 10 125:11
43:2 48:10	creating	81:11 110:21	Dinner	domains
50:23 55:9,13,	91:19 106:4,	121:22 132:9	59:7	69:24 70:2
14 63:8 64:2	12	dealer	direct	107:3
65:20 67:6	creation	29:9	5:23 23:2	Double
69:21 70:15,	66:19 93:7	dealing	56:15 80:15	76:13
16 71:8,17	83:8 84:1 87:2	47:8	directly	doubt
77:4 79:15	88:18 89:16		26:10 34:15	
86:22,23 89:9	97:3 135:9			

91:12	109:2,7,8,10	34:2	75:7,8 76:11	featured
drive	110:3,4	entails	exist	32:8
31:24 33:19	122:19 123:9	35:2	33:6	fee
34:9 36:24	124:20 125:5,	enter	expect	42:24 129:18
54:6 59:7 68:7	6,7,17,21	105:12,14	135:21	Fenix
driven	135:7,15	117:2 118:5,	expensive	18:14,16
128:7	136:4,24	20 132:21	129:20	120:19 123:6
driving	earlier	entered	experience	126:13
31:17	58:14 103:4	116:7 117:15	94:7 97:13	Fenixleads
drop	111:16 115:12	entries	expire	114:13
125:11	126:3 127:11	95:10	40:12 95:8	Fenixleads.com
Drove	136:5,14	essentially	97:4	114:9
131:14	educate	89:5 101:8	expired	fields
duly	36:6	estimate	85:6 87:2	70:8
5:19	Education	52:4	88:18 89:16	figure
dump	24:20	estimating	135:9	86:2
33:17	41:10	everyone's	93:23 94:17,	filed
<hr/>	elimination	124:9	18	106:15
E	135:22	evidence	explaining	files
e-mail	Elite	124:24	53:7	17:8 122:10
18:24 33:21,	46:11,12	ex-wife	Express	filled
24 34:5,20	47:14,16,23	53:12,13 60:9	83:22 84:3	29:5 116:4
35:8,13,17,19,	else's	61:2	extra	118:8 119:24
23 36:3,15,17	76:22,24	exact	69:20	finally
52:19 84:7,8,	Emma2304	11:2 12:10	<hr/>	6:20
9,24 85:13	92:1	14:22	F	find
88:20 89:2	employed	EXAMINATI	33:9 43:15	
93:3 101:1,2,	20:24	ON	44:22 48:4	
5,22 102:2,4,	employee	5:23	52:24 53:3	
6,9,10 103:2	49:8,19	examined	54:6 63:15	
108:6,9,11,20	employees	5:20	79:16,22	
109:16,21	21:15 51:22	Excel	fact	
110:6 111:14	52:1	82:22 103:6	81:11 87:17	
112:3,23	employer	Excepting	119:11 133:23	
113:1 114:7,8	21:2	131:5	fine	
116:14 117:8	end	exchanges	75:1 136:23	
119:17,19	37:21,24 40:2,	18:24	finish	
120:4 123:2,	16,24 41:4	exhibit	39:10,11	
15 125:18	43:9 44:24	5:3 8:19 70:11	fires	
132:16 135:13	50:20 51:4	75:10,14 78:5,	37:21	
e-mailing	76:1 77:19	7 79:1,3 82:5,	fair	
35:18	127:19	20 83:3 89:2	11:14 21:20	
e-mails	ended	90:9 93:7	54:22 62:14	
15:16 18:21	61:22 80:4	95:10 100:15,	71:1 105:9	
35:3 36:9,10,	ending	19 110:1,3	117:10 121:19	
12 85:12 86:6,	83:22	112:19 114:5	familiar	
7,24 87:16	engine	115:19 119:15	38:17 57:2	
88:14 90:2,6	32:13	121:24 130:20	64:20 65:7,10	
100:20,23	engineer	131:24	67:1 81:3,20	
101:8,21	43:9,13 44:10	exhibits	92:3 93:20	
106:24 107:6	entail	8:6 74:23	96:11	
108:4,5,14,17			farm	83:21
			26:11 44:7	folks
				50:7

follow 134:10		99:5 124:6 129:14 133:3 134:16	happen 118:20	54:14
force 98:9	G	game 40:13	happened 74:5 86:17 87:11,23 133:21	hook 31:15
forget 41:15 42:14 59:21 96:22 115:3		gave 38:2	happy 6:9,18 97:19, 24	hosted 94:22
forgot 79:18,22		GEICO 26:10	he'll 14:8,22 92:16	hosting 94:17,18,19 95:7 107:13 111:22 112:14 117:22
form 5:10 25:8 29:4 37:19 45:13 55:7 76:19,24 77:2,12 81:15, 23 115:20 117:16,20 118:5,6,13,23 119:22 123:16 128:2,4		general 23:5 124:3 126:20	head 22:16	house 12:24 59:22, 23 60:5 61:9, 17 65:3 92:9, 13,19
formed 45:22 53:10 58:9		generally 30:5 35:23 40:14 41:3 42:6 44:17 52:18 81:6 94:8 96:15	health 24:5,6 49:14	houses 67:17
forms 118:7		generate 23:18,23 24:7 28:11 31:4 40:20 41:1 50:19,24 53:1, 9 127:12	hear 6:22 37:6 99:23	hundreds 85:19 134:20
forward 135:16		generated 25:5 26:20 29:23 37:13 44:2 71:5,14 89:17 104:12, 16 127:16	heard 18:2,4,7,8,9, 14,16 24:14, 21 25:11,19 46:11 47:20 56:24 57:4 64:15,19 69:3, 15 82:9 83:10, 16 105:19,22 114:10,13 120:20 123:8 128:12 129:24 130:5 136:22	I
found 39:1 61:10 108:17		generating 49:15 50:17, 22 126:9 127:17	hearing 110:23	idea 14:13 35:1 40:15 43:21 51:5 53:2 55:18 110:12 129:14
frame 128:22		generation 21:20,21 24:24 33:16 49:3,5 50:15, 16 54:18,23	hell 85:1,7,11	ideas 62:10,17
fraudulent 104:12,14,17 105:3,7		generator 48:8,16	helped 11:19 52:14	identification 5:4
fraudulently 105:17 106:4, 8,12		George 17:24 114:8,9, 15 119:18,20	helping 52:13	identified 5:19
free 69:22,24		give 6:14 12:9 14:13 20:10, 14 29:1 35:1	guys 10:18 12:7,22 15:17,24 16:6, 10,11 39:1 72:3 73:2,9 98:19 106:16 112:9 134:12, 14	iframe 76:21,23 117:14
friend 62:13,15				important 39:10
friends 62:9,18				in-between 30:20
full 7:1 82:2 119:24 126:4				inactive 45:17,18
fully 7:8				include 10:12 71:16
				included 20:8
				includes 82:14 124:20
				including 84:22 90:15 111:17

indicating 94:2 95:13	investigate 106:19	Justin@blueflame.com 108:7	language 27:21 103:1 126:17 127:1, 5,8,22 128:7	12 29:10 30:8, 15,23 31:4,9, 13 39:22 40:19,20 42:10 43:7 48:3 49:15 50:3,5,14 51:1 71:5,14 77:22 78:2 104:12, 16 105:3 106:4,9,12 117:15 118:2, 4,9,15,23 119:6,10 126:9,18,19 127:6,12,15, 17 128:8 129:3 130:13 131:16,19 106:14 120:6 11:8 leave 17:5 55:7 132:12 27:12 27:12 28:2 126:7 letter 27:12 82:15 96:18 35:4 87:16 107:7 83:7,22 84:17 82:1 88:15 59:20 60:2 61:1,15,23 65:11,12 59:16 60:16, 21,22 61:18 62:3 64:22,23 65:6,11 80:20,
industry 28:18 51:6 121:17	invoice 82:16 84:22 86:13 90:16	Justin@blueflame.com 109:13	law 20:5	
Infinite 49:19	invoices 85:18		lawsuit 90:12 106:14 122:7,24 123:2,7,14,16, 19	71:5,14 77:22 78:2 104:12, 16 105:3 106:4,9,12 117:15 118:2, 4,9,15,23 119:6,10 126:9,18,19 127:6,12,15, 17 128:8
information 35:4,10,14 36:1 69:21 73:1 74:3 79:11 80:17 82:15,17 83:5 89:6 90:15 91:8 105:12, 14 111:5 114:18,20 116:4,8 117:3, 11 120:18,24 124:14 129:3, 13 130:22,24 132:4,21 133:11 134:8, 15 135:13	involved 14:9 39:5,6 50:22 65:18 66:21 72:8 74:9 118:2 121:11 126:14		lawyer 81:17	
initial 115:11	involvement 9:15 10:24 19:19 45:7 72:20 73:23 77:8 124:4 133:6	K keeper 135:20,22	lawyer's 13:8	
inside 107:9	IO 27:4	Key 59:7	lawyers 20:4 105:24	
instance 27:9	IP 132:18	kids 59:11 61:2	lead 21:20,21,22	
instructions 43:23	issue 6:21 105:17 114:18	kind 22:24 29:1 30:16 32:7 33:12 36:5,7 41:1 43:3 44:9 48:8,10 65:21 67:16 72:19 124:5	24:11,12,24 26:20 27:2,23 28:8,10,22,24 29:6,7,9,11,23 30:5 31:5,8	
insurance 11:8,20,22 23:7,9,10,13 24:5,6 25:14, 16 26:5,9,20 29:4 35:5 36:16 49:15 76:19 125:1 131:3,7,18 134:23		Kingston 5:6,9,24 6:2 75:3 76:8 90:22 91:2 99:10 135:18 136:2,7,14,22	33:16 37:13 40:5,22,23 41:4,6,11 44:1,3,16 48:3,4,8,11, 13,16 49:3,5	
integrate 43:12 118:7		knew 16:16 71:4 103:21	33:16,19 54:18,22 56:1	
integrated 118:15	JASON 5:17	knowing 105:3,10,11	57:24 69:2	
Intelligence 128:13	Jeeps 101:2	Joe 132:24	71:1 76:24 77:2 80:13	
intermediary 30:16		knowledge 13:5 16:13 67:4,14 70:13, 18 71:13	105:7,17 114:17,18 118:9,11 121:12 124:24	
Internet 95:2	Jornaya 128:13,14,15	Joseph 125:3 130:23	127:21 128:13,15 129:1 130:23 131:2,16	
	Josephson 17:20	Josephson 78:21 80:3 96:24 97:15	Leadflash 50:10 55:6,7	
	Josh 89:2	Josh 104:3,11 106:3 110:15	leads 21:19 23:1,2, 5,17,18,23	
	July 71:21 119:20	July 126:11 132:24	24:6,7,20 25:1,2,4,9,10, 11,13,20,23	
	June 89:18 110:6	June 133:11	26:4,13,19,21, 22,23 28:3,11	
	Justin 7:3 89:11			
		L		
		la 59:15		

21,23 92:20, 21	22 115:12 125:10 130:17	majority 71:3 116:11, 15	matter 122:7,24 123:7 124:11	messages 84:23 100:5 122:14
lives 59:10 81:5	lose 42:11	make 23:1 29:19 35:7 40:24 48:5 51:16 59:2 63:23	matters 46:1	Michael 18:12
living 60:14,18,24 61:3,11 92:18	lot 24:10 28:13 31:2 34:7 50:6	64:11 94:14 95:1 128:2,10	Meaning 8:5 104:9 means 7:7 55:19 97:2,11,13 127:18	middle 31:2 48:7 77:1 80:16 134:2
LLC 6:3 21:11 55:11 126:4	55:16 56:22 65:24 69:22 86:4 101:20	64:11 94:14 95:1 128:2,10	million 66:1 78:13	millions 33:17 38:18
loan 50:19	109:4 119:3 124:5	11:13 12:4,8	Media 18:15 49:19	mine 66:20 79:17 133:13
loans 69:11	lots 20:13 42:6	32:7 38:11 66:4	55:10 120:19	minute 97:17
local 23:23 33:14, 15	55:24	man 48:7 80:16 134:2	122:23 123:6 126:4,14 130:3 132:3, 10	minutes 65:16
locations 50:2	lower 21:22	management 55:17 57:22	medical 7:17	mistake 80:9
locksmith 23:22 40:18 41:5 52:24	lunch 98:13 99:12, 21	managing 120:11	medication 7:14	mix 62:18
locksmiths 40:19,20,21	M	manner 31:13 102:23	member 47:13	Mm-hmm 25:3
log 16:8	Machine 78:8 79:4	Mantha 105:20 119:23 125:3	memories 39:14	model 25:7 41:2
log-in 87:17 92:1	Macy's 36:11	Mantha's 18:18 105:7 130:23	memory 38:5,7 64:2,3 65:18 70:18	moment 102:7 133:3
logged 88:2 125:22	Macy's.com 36:8	March 49:12	71:13 74:13 85:23 87:5	money 11:13 12:5,8 38:11 59:2
long 8:16 9:18 12:7,10,21 36:22 43:19 47:18 49:20 51:17 54:16 55:2 59:16 61:23,24 91:20 97:3 98:11,16 104:2 135:21	made 63:19 64:4,5 121:22	mark 75:7,8	91:18 93:10, 13,19 102:19	63:19 64:4,5, 11 66:4 86:4
longer 15:2 39:18 47:10,14 60:20	Madrid 59:15	marked 75:10 78:4,24 82:4,20 89:1	114:1 116:2, 20	month 73:19 86:3
looked 7:24 10:18 12:13 13:6 14:17 72:9 88:13 106:20, 23 107:12,22 113:12,16,17,	Mailgun 82:6,10,11,21 83:4,9,11,16 84:20,24 85:10 86:8,15 87:9,14 89:3, 7,21 108:18 109:2 135:4,8 136:4,24	March 75:7,8	85:23 87:5 88:6 89:20 91:18 93:10, 13,19 102:19	monthly 42:8,24 53:8 68:12 94:21 129:12,18
	Mailgun's 86:22 89:6	market 44:22	114:1 116:2, 20	months 12:10 110:8 111:6 128:19, 24
	mailings 73:17	marketing 18:5 21:6,11, 17,19 22:22	8:17 30:8 32:10,12 34:20 40:4 42:3 43:20	morning 6:1,4,5
	main 22:23 31:1 37:7 45:20 96:9 109:23	33:21,24	51:9 57:23	morning's 7:23
	maintain 43:1,4	34:20 35:8,17 36:3,17 45:12 46:18 52:20 119:19 130:21	63:6 66:8,14 112:16 115:2 126:3 134:17	motions 5:11
		Massachusetts 19:10	message 100:4	mouth 53:5

move	Nomies	odd	126:17	32:4,14,18
17:1 62:1	24:11,13	116:3	opted	33:2 43:9
80:16	normal	Odom	35:3,9	49:16 52:19
moved	121:3	89:2	optimization	53:21 62:21,
60:22,23	notarization	offers	24:13	24 63:2 68:22
61:15,19,21	5:14	11:5 25:17	option	85:9 95:14
moving	notary	26:5 48:2	89:17	96:7,16
128:18	5:20	129:21	options	
multiple	notwithstanding	Offervision	98:8,21	paper
17:16 28:4,10	g	8:10 9:23	31:15	
29:3 30:13	72:14,20	10:3,9 14:21	paperclip	25:14
34:18 43:14	number	57:8,10,14,24	paperwork	105:23
44:5 85:21	19:11 75:24	58:7,9,12,15,	part	
87:10	76:7 77:19,24	18,24 63:8	20:8 30:22	
	84:10,11,13	67:5,8 111:17	46:14 54:24	
N	89:13 92:23	115:2 126:3,4,	69:24 121:3	
N-O-M-I-C-S	115:9,10,15,	6	Partly	
24:13	16,23 116:13,	offhand	60:3	
Namecheap	24 122:5,22	67:3	partner	
70:3	123:5,12	office	36:15 57:15,	
named	124:15,23	13:7 18:22	20 62:14	
17:24 18:9	127:4 132:14	19:1,11 67:11,	partners	
38:17,18	numbers	19,24 68:10,	36:11,13,19	
114:10,15	78:1 84:6	12	37:24 55:22	
names	115:5,7	officer	56:13 81:11	
17:18 22:11,	116:16,21	21:10,13	partners'	
15,21 39:3		51:20	36:9	
42:16 45:21	O	officers	party	
51:11 52:6,10	Oaks	53:11	123:13	
71:2 72:10	64:16,20	offices	pass	
94:11 96:13	80:18	67:15	41:8	
107:8,10	oath	on-line	password	
131:21	7:5 99:14	21:18	92:6	
narrow	object	one's	past	
134:22	5:14	78:8	24:16 25:21	
nationally	Objection	open	26:15 34:8	
23:24	30:2 31:10,22	12:17 76:11	40:6 67:15	
Nature	33:23 34:3,22	98:24	73:18 81:8	
40:13	35:11,16 36:2	operate	121:9,10	
needed	37:5 64:9,13	21:24 22:4	128:19	
20:7 52:15,23	71:22 72:6	83:18	pasted	
neighborhood	78:11 95:3	operated	79:18	
64:21 65:10	96:1,6 104:18	68:24	Path	
81:2	117:13 121:5	operating	130:3	
netdomainnam	129:4	10:10	pause	
eregistration	objections	operational	20:12 32:24	
97:8	5:10,15	10:20 16:3	paused	
network	obligated	130:11	33:6	
9:23 46:20	7:8,11	opinion	pay	
47:24 48:7	occurred	123:24	9:9 34:9 42:8	
Nexus	95:24	opt-in	50:18 54:3	
68:5,7		27:8,20,24		

69:20 82:2 89:24 94:8,21 96:18 98:10 118:10 129:12,18 pay-as-you-go 89:17 payday 50:19 paying 9:5,7 40:21 48:2 84:19 86:5 87:8,20, 24 94:24 96:4 97:1,16 98:19 103:9,14 135:4 Paypal 108:20 people 26:23 28:16 30:11,14 31:2 33:17 34:6,14, 23 35:3 38:2 39:3 43:7 44:24 48:4,6 51:1,24 52:13 53:8 69:13 74:2 82:3 94:10 116:13 121:8 126:19 128:1,18 133:24 people's 118:7 percent 53:4 permission 36:15 person 51:2 79:19 102:1 120:6, 13,16,20 122:13 123:14 125:20 127:5 personal 70:6,13,18 105:12 109:16 111:24 126:11 personally 17:4 109:18 Phoenix 18:16	phone 19:3,6,10 27:10 76:7 84:10,11,13, 15 92:23 93:1 101:18,23,24 102:1,11,12 115:4,5,7,9, 15,16,23 116:13,16,21, 24 122:13 127:4 132:14 physical 52:1 place 27:3 30:1 31:8 44:18,21 45:3 117:16 127:7 plaintiff 18:17 plaintiff's 125:13 plaintiffs' 18:22 19:1,4 82:6 89:3,5 90:12 91:7 105:6 110:4 112:6,24 platform 26:8,13 31:16 43:3 85:19 109:23 platforms 41:14 42:3 plug 127:3 plumber 23:2,21 53:1 plumbing 23:1 Plural 18:5 119:18 130:21 point 6:7,21 36:1,5 39:6 53:12,20 54:8 63:7 68:15 71:10 87:23 88:6 89:24 92:14 99:1,18 119:7 131:4	policies 81:8 policy 27:8,20 39:1 74:7,10 79:5, 21 80:4 81:21 82:2 133:15 pop 118:21,22 portfolio 23:12 106:23 107:2,7 portion 79:10 possession 124:24 possibly 41:19 44:19 posting 43:23 44:1 practically 118:19 pre-marked 5:4 75:7 130:20 prepare 7:22 20:22 prepared 20:20 preparing 12:12 13:14 presence 33:13 present 71:11,16 109:11 pretty 10:14 38:5 77:14 120:15 previously 115:18 price 29:6 41:8 43:16 primary 108:9 prior 9:24 15:14 48:20 59:20, 24 60:17 73:3 privacy 8:23 27:8,20	38:24 74:7,10 79:5,21 80:4 81:8,21 82:2 133:15 private 69:11,14,18, 21 problem 99:3 problems 110:9 process 135:21 produced 114:7 professional 62:24 profitable 38:1 programmer 43:8 project 11:10,12 12:2 36:21 37:9,22 38:3,10 projects 12:1 53:21 prominently 32:8 promise 98:15 promote 25:9 26:11 34:6,14 37:18, 19 48:4 pronounced 126:5 properly 126:5 provide 21:19 24:23 26:4 27:1,21 37:16 38:23 42:7 44:14 55:20 85:12 88:12 117:16 129:15 135:13 provided 20:3 26:17 37:2,17 81:9 114:19 116:8 119:18 120:18	127:5 130:22 providing 90:6 114:17 119:21 134:1 public 5:20 pulled 74:8 133:22 purchased 61:14 purpose 104:19 purposes 28:2 39:9 push 37:9 put 17:22 39:3 48:3 78:16 80:7,11 85:19 92:12 94:17 118:5 133:24 putting 11:5
Q				
question 6:8,12 28:9 39:11 72:19 questions 7:8 8:2 36:22 83:20,21 120:16 133:4 135:19 136:3 quick 74:24 quickly 98:15,18 quote 24:3 33:18 39:2 Quotewizard. com 6:3				
R				
ran 32:14,18,20 40:1 50:6 57:24 67:8 104:23 131:8				

134:3	132:3	96:13	79:22 81:12	reviewed
random	receiving	registers	133:23	12:22
61:9	27:11,22	69:5 107:10	replied	reviewing
randomly	35:23 36:10	registrant	102:5 113:24	73:21
86:3	recent	82:16	reply	Repoint
Raton	65:8 73:8	regular	101:14	130:1,2 132:3,
59:5 64:16	recently	76:18	reporter	10
68:1 80:19	71:21 73:12	relate	39:9	rich
re-bill	128:17 131:20	115:6 124:16,	reporting	71:5
97:3,13	recess	24 135:6	42:9	ring
re-billed	75:5 99:12	related	65:21	
97:4	recognize	17:8 22:4,14,	represent	rings
reach	75:17 76:17	17,19 79:22	6:2 89:4 91:6	66:2
121:4,6	77:24 100:23	83:14 100:4,6	request	Rios
reached	132:18	107:1 108:12	83:5 124:24	17:24 114:8,9,
10:19 73:9	record	109:15,19	130:3 136:3,7,	15 119:18,20
120:23	5:10 7:2 16:23	130:18 134:23	requesting	Road
read	38:13 39:20	135:12,14	82:12	67:23 68:3,14
5:12 13:10	41:21 74:12	relating	requests	role
44:9 81:18	75:6 90:5,20	82:13 90:13	20:9,17 111:4	31:20,23 49:6
82:1 125:10	93:5 99:5,11,	108:22 121:20	122:5	124:7
real	13 136:1	relation	require	rules
29:5,10	records	106:20	42:24	6:6
129:13	39:23 41:10	relative	reserved	run
realize	43:4 86:22	24:23 31:20	5:11	9:13 23:15
88:1	89:24 130:16	32:16 100:10,	reside	28:3,14,15
reason	135:20,23	12 101:21	59:4	31:12 56:1,14,
86:17 87:19	recurring	relevant	respect	15 62:17,20,
89:23 91:12	97:2,5,6,11	46:1 51:18	123:22	22 67:12,17
127:17	redirect	relying	respond	74:4 119:1
recall	118:22	36:7	75:1 102:8,11,	131:12
11:2,21 16:19	refer	remember	22	running
19:17,21	40:16	9:18 10:4	responded	9:16 11:14,17,
22:15,20 25:8	references	14:16 15:19	102:16	21 12:7 22:10
26:12 38:9,10,	79:14 80:18	16:2 19:9,12,	responding	23:14 27:16
19 42:12,16,	85:15	20 24:20 26:6	102:17 111:4	50:3,5,13
22 45:2 51:10	referral	38:15 40:8	response	58:11 62:2
52:10,14	53:5	46:6 57:19	20:21 82:21	66:4 80:13
63:19 66:4,24	referring	60:7 64:4 67:2	83:4,5 86:14	103:18,22
81:2 84:19	66:14 111:13	74:15 77:11	89:6 91:7	104:4,9 105:1
86:10 88:6,8	reflecting	107:17 133:8	103:5,8	131:9
93:22 101:19	95:23	134:5 135:3	108:18 130:21	runs
102:16 103:5	refresh	rent	132:2	57:6 71:7
104:10 105:6	85:23 89:20	61:6 68:11	responses	104:21
107:24 108:2	93:10	rented	101:12	<hr/>
131:6,21	register	60:3 61:4,5,	retainer	S
134:24 136:8	38:20 69:8,12,	19,20 92:13	17:22 53:9	safe
receive	13,23 96:9	renting	revenue	61:14
35:4,10 36:1,	registered	59:22 61:8	45:24	sale
9,12	38:20 46:3	rephrase	review	14:9 58:23
received	70:10 136:19	6:9 62:23	12:20	59:1
100:20 106:18	registering	replace		
109:20 130:21				

sales	28:10 34:15	136:24	sign	18,22 95:5,6
52:21,22 54:5	60:17 121:11	share	5:13 24:3	105:15 106:21
satisfactorily	127:19 131:16	67:19,23	29:18 30:10	110:8,20,24
5:19	sells	74:22 75:11	53:8	111:6,9,21
saved	29:7	88:21 100:16	signature	112:10 113:5,
107:23	send	shared	12:23	9,15,17
scenario	30:13 35:3	67:15,16,22	signed	114:23 115:4,
30:15 31:7	42:10 44:3,14	68:10	27:5 35:24	8 117:5,22,24
schedule	48:5 135:15	shop	119:23	119:13
14:2 90:20,23	136:4	33:13,14	significant	120:10,11
screen	sending	shops	49:1	124:4 125:10
8:12 9:24	13:8,9 30:10	23:4	similar	127:3 128:10
12:17 74:22	43:7 45:11	short	46:19 50:13	129:5,7
75:11,12,14	134:13	97:19,23	101:16 102:22	130:18
76:17 78:7	sends	shot	133:7	133:11,22
79:3 88:20,21	44:6	75:14 76:17	simpler	134:9 135:7,
91:4 100:16	sense	78:7 79:3	72:19	14 136:13,18,
115:11 119:21	47:22 51:12	115:11 119:21	sit	19
scrolling	52:17	shots	107:24 110:7	site's
79:10	sentence	9:24	site	10:15,16
scrub	111:12	show	38:12 73:10,	
95:1	SEO	44:23 48:2	11	sites
Seal	32:1,12,13	75:9 77:15	9:19,20 11:20,	
55:10 56:5,14	33:8,11,15	78:4,24 82:4,	22 16:24 17:4	
63:9 122:23	37:12	19 90:8,18	22:9 23:5	
search	separate	94:23 100:15	28:13,23 32:1	
32:1,4,13,14,	62:17 67:17	109:24 112:18	33:11,12,16	
18 33:3 43:11	September	114:4 119:14	34:7 37:12	
51:12 52:19	75:16 93:8,23	127:24 130:19	38:17,18 40:5	
56:3 66:8	95:15 100:21	131:23 135:9	41:19 44:21	
107:20 108:4,	servers	showed	54:7 55:22	
11,22 122:10	38:21 66:11	26:2,12 27:6,		
125:7,13,16	133:12	17:17 103:4,	57:9 58:18	
searched	service	12 115:8	65:24 74:1	
107:18 125:7	24:23 26:17	135:8	78:13 79:24	
searches	29:20 37:2	showing	81:7,10,22	
33:2	42:7 63:3	17:13 82:22	85:21 86:12,	
searching	69:24 84:19	87:1 88:10	19 87:10 88:2,	
125:5,21	85:13,24 86:1,	89:1 91:16	9 107:13	
seeking	10,16 87:8,24	100:19 115:9,	116:11,15	
91:7	88:7,8 89:16	18	131:8,10	
sell	96:16 124:17	shown	sitting	
24:8 25:4	129:15	31:4	94:11 113:21	
26:22 27:2	services	shows	skills	
28:5,7,23	33:8 46:13	48:1 67:7	31:3	
30:21 50:19	63:1 69:22	69:10 70:21	Skype	
56:12 60:12	88:11 90:1	82:24 86:13	100:6	
61:21 63:2	95:14 96:4,7,	87:1,2 88:17,	slash	
94:12 118:9,	11 129:22	18 116:5	62:15	
10 127:13,21	135:4	135:10	small	
selling	set	19:8 43:10	76:2 77:17,	
11:8 26:23	43:22 44:8	47:4,6 50:22	22 80:13,14	
	98:23 99:2	131:16	smart	
			81:14 83:15	
			87:23 94:2,14,	
			80:16	

Snappy 8:17 10:12 22:20 28:21 32:14,18 33:3, 10,19 34:14 35:15,19 36:18,20 37:3, 16 38:17,18 58:3,15 65:23 66:1,3,18 67:2 107:15 108:23 122:17,18 125:9 130:10 136:11 Snappyauto 25:24 29:22 34:17 39:23 45:2 125:9 Snappyauto. com 31:21 35:15 45:8 Snappyautoins urance 8:5 10:17 13:11 19:19 35:20 47:17 66:6 78:8 79:24 81:7 86:11 87:6 95:15 100:13 108:12 110:16 111:5 116:21 119:22 120:8 125:8 126:8 131:5 Snappyautoins urance.com 15:9 63:20 64:12 65:16 68:16 70:9 71:7 75:16 79:4 80:5 90:14 103:10, 19 105:13 106:5 111:17 125:2 126:22 130:14 132:21 Snappyautoins urance.com. 78:15 82:14 83:6 86:16 91:9	Snappys 58:18 Snappysurvey 65:24 Snappysurveys 58:6 Snappysurveys .net 57:1 66:23 sold 8:9,15 9:23 10:4,8,9 14:6, 18,21 28:4,12 39:22,24 41:4, 11 46:15 48:11 51:1,2 57:9,17 58:15, 19,20 59:22 71:14 111:16 112:12 115:2 120:12,23 121:2,14 130:13 131:19 133:9 sole 21:13 57:12 60:8 Solutions 123:6 someone's 35:9,18 115:22 126:19 sounds 23:13 38:16 57:2 64:20 65:7,9 67:1 81:2 93:20 South 60:22 space 26:2 67:16,19, 24 68:11 spaces 67:23 speak 13:14,17 14:7 17:11 56:16 102:10 speaking 30:5 40:14 41:3 42:6 44:17 64:1 96:15 101:22	118:19 specialty 42:15 51:8 specific 57:19 65:17 78:14 116:20 specifically 24:2 27:16 39:15 101:21 specifics 51:7 spinoff 46:16,17 47:10,12 split 54:8 spoke 13:18,20 14:19 17:10 19:7,17 102:7, 10 111:10 133:4 136:4 spoken 122:13 spreadsheet 82:22 103:6 SSO 32:10,12 stall 97:18 standard 81:21 126:24 127:2 start 5:7 6:7 36:10 41:22 48:22 53:24 62:7 76:16 started 15:16,24 28:18 46:21 49:9 50:10 53:23 73:20 128:17,18,23 134:8 starting 53:6 starts 127:9 state 7:1 23:19 26:11 61:19	67:22 68:3,14 stay 98:9,11 staying 61:22 step 48:9 steps 94:15 106:19 125:23 stick 51:15 stips 5:7 stop 98:18 stopped 85:6 store 43:4 stores 17:8 street 68:9,13 strike 5:12 92:13 125:6 stuff 12:24 13:24 18:20 19:2,15 24:10 25:14 37:8 41:16,17 42:14 45:10 49:9,14 51:4, 14 52:3 57:21 63:4 67:18 85:1 86:24 87:22 104:14 107:23 112:10 113:10 117:15 119:5 134:12, 13 style 81:20 subject 122:7,24 123:7 125:11 submit 36:8 submitting 27:23 subpoena	20:8,17 82:5, 12,20 83:4 86:14 89:6 90:11 91:7 98:6 103:5,8 106:1,19 108:18 122:3 124:2 130:20 132:2 subpoenaed 113:13 substance 19:12 101:8 successful 40:12 62:16 suggest 92:18 surprise 71:20,23 surprised 120:6,9 switched 41:17 sworn 5:19 system 41:13 systems 66:7,9
T				
			taking 74:19 110:18 111:20 112:13 talk 13:23 14:4 65:15 66:17 74:19 100:10 101:20 108:16 110:18 112:2 talked 11:24 58:20 66:23 100:1 110:20 112:10 123:1,3 134:15 talking 8:18 27:15 39:12 42:4 70:22 73:12 85:3 88:5 94:8 101:17 110:12	

115:19	111:7 128:6	4 105:22	trap	
TCBA	131:6 132:20	109:4 110:23	41:16	<hr/> V <hr/>
126:24 127:4	135:3	113:5 114:1	trial	
128:7	testing	121:18 124:5	5:11	
technically	87:23	127:21 128:22	true	
48:12	text	131:11 132:6	116:18	
Technologies	100:5 122:14	times	truthfully	
82:7,10,11,21	123:15	17:11 41:18	7:12	
83:4,11 84:20	texts	68:6	type	
86:15 89:3,21	123:9 124:20	tint	23:4 33:11,15	
Ted	thing	23:4 33:13,15	44:14 63:15	
5:6,14 76:8	14:17 19:7,22	today	84:24 129:10,	
90:23	26:19 37:7	7:5,14 13:19	15,21	
telephone	45:10 58:7	98:22 99:15,	types	
75:24 102:20	89:22 115:9	23 100:3,9	44:4	
telling	123:4 128:19	107:24	typically	
15:19 102:11	134:6 136:20	today's	34:11 36:23	
105:6 113:14	things	12:12 13:5,15	48:15 69:20	
116:23	11:7 50:23	told	117:6,8 128:7	
ten	52:12 108:3	<hr/> U <hr/>		
124:12	thinking	15:10 71:20	Uh-huh	
tenant	26:7	101:10 102:17	114:6	
61:10	thinks	112:5 116:6	understand	
term	58:20	123:18 124:10	6:8,15 7:4,7	<hr/> W <hr/>
27:12 28:24	thought	ton	9:1 10:1 22:19	
66:18 69:2,4,	32:12 111:16	28:15 84:2,24	35:22 38:14	
15	112:11 113:5,	top	39:13 50:21	
terms	8,11,13 133:9	22:15 132:11	understanding	
12:12 14:24	thousands	touch	10:8 35:7	
27:19 28:1	9:19 94:10	99:22	63:24	
29:20 34:7	thumbnails	track	understood	
78:9,12,14,22	76:6,11	54:15 81:5	6:11	
125:8 131:16	time	106:17	Unit	
test	5:11 6:17 8:16	trade	64:16 80:18	
129:19	10:18,23 11:9	44:22	Unitedquotes.	
tested	12:2,11,22	traffic	com	
9:17,21 11:1,4	13:20 14:2,14	31:17,24 32:1,	130:6	
testified	15:20 16:2	19 33:20 34:4,	unnecessary	
5:20 58:14	19:24 29:6,10	6,8,9,11,15	17:23	
71:6 103:17	41:12,13	36:24 50:6,17,	URL	
111:16 115:1	43:15,19 45:3	18,22,24 51:3	94:17	
116:1 120:22	47:18 49:10	53:1,9 54:7	usage	
127:11	51:17 52:15,	55:21 56:2	89:18	
testify	20 53:6,10	127:10 128:2	user	
7:15,18 98:7	54:5,7 56:6	131:14	129:6,9	
testimony	58:19 61:15	transaction	13:20,23 26:4,	
38:15 39:13	62:5 69:18	95:24	13 30:8,15,23	
50:21 58:16	70:4 73:3,8	transcript	31:9,13 45:12	
63:24 65:17	74:4 75:4,8	5:13	46:18 77:3	
77:5 78:21	87:6 88:2	transfer	115:19 117:15	
80:5 104:15	91:20 92:16	48:13 66:12	118:2,4,9,13,	
105:16 106:7	94:5 98:4 99:6	transitioned	15,23 119:6,	
	103:21 104:2,	41:23	10	

webmaster	56:1,14,20,22 69:2,9,17 120:2,7	worked	71:21 92:16 96:19,21,23 97:6,10,13 104:2
website	71:2 77:13 8:22 11:18 13:21 14:14 16:3,9,14 23:15 24:2 27:16 28:3,11, 14 29:23 30:16 31:4,9, 12,15 32:7 33:20 34:12, 13 36:12,14, 24 39:14 40:19 51:4 56:17,24 57:3 58:11 65:18, 21 68:20 69:18 71:14, 18 72:2,11,13, 15,16,22,24 73:4,23 74:20 75:19,22 77:6, 9,17 79:20 80:12 81:24 82:13 85:15 90:14 91:8,19 93:11,14 103:15 104:12,16,21 105:1 107:1,4, 5,14,21 113:11,23 115:7 117:11 119:10,24 120:13,19,22 121:2,7 124:8, 16 127:12,22, 23 128:3 130:5 134:4 135:10,15	years	8:10,11 9:3,17 10:5,22 14:21 15:1,3 16:19 24:16 25:21 36:21 38:4 40:3,7 41:18, 19 45:19 46:13 47:20 49:2,8 51:23 52:8 53:22 54:2 59:17 60:14,16 61:11 66:7 73:8 81:17 82:2 87:4 96:20 119:3 124:12 131:10 134:21
websites'	131:21	working	29:17 34:12 43:17 44:13 55:5,6 62:5,7
weeks	14:11 15:11	works	87:5 134:18 20:5 30:19 31:1 36:3 41:2 43:5,12 51:5 53:3
weird	133:18	write	27:12 101:10 27:13
whatsoever	111:8	writes	writing
whoever's	19:11	120:17	120:17
wife	20:5 59:11 61:2,7 123:17	written	123:16 124:21
wife's	59:12	wrong	81:13
window	23:3 33:12,15	wrote	101:13,14,16 103:3 112:12
Wizard	33:18 39:2	www.	zip
wondering	86:5	snappyautoins	89:7,8 115:4 116:7,24 118:5,20
word	53:5 56:17 57:10,11 126:4	urance.com	Zoom
words	38:6 50:14	8:18	95:17
work	11:6,7 16:24 17:5,16 26:10	X	
	29:14 30:7 34:14 37:10	Xverify	
websites	43:10,13 54:22 56:6,7 57:14,19	129:11,17	
10:9 22:1,3,5, 12,21 23:8 24:1 28:15 29:11 30:6 31:24 36:14, 19 37:8 44:16 49:3 55:20	74:17 98:3,10, 20 100:7 108:9 128:3,4	XYZ	
		27:22	
		Y	
		year	
		10:5 49:13,15, 21 59:22 60:21 61:24	